

The
WEST BENGAL
PARLIAMENTARY
HANDBOOK

Published by
The Secretariat of the Legislative Assembly
West Bengal .
1946
Price—Indian, Rs. 1-4 ; English, 2s. 1d.

PREFACE

This Handbook has been compiled in the Secretariat of the Legislative Assembly, West Bengal, for the convenience of the members of the Assembly and contains the Rules of Procedure, the Regulations made by the Speaker, Members' Emoluments Act and Rules, several Acts which are of importance to members of the Legislature and also extracts from the Constitution which are relevant for the purpose of the business of the Legislature of the State.

These matters have not been available in a compact form in a handy publication but have been published from time to time separately. There have also been amendments for which one has to look to Gazette and Notifications.

At the instance of the Hon'ble Iswar Das Jalan, Speaker of the West Bengal Legislative Assembly, all these matters

have now been included in a single publication and it is hoped that the Handbook would be found useful by the members of the Assembly.

A. R. MUKHERJEA,
*Secretary to the West Bengal
Legislative Assembly.*

CALCUTTA :
The 20th March, 1950.

CONTENTS

	Page.
West Bengal Legislative Assembly Procedure	
Rules	1
Regulations made by the Speaker ..	77
I. Application by member for leave of absence	77
II. Sitting arrangement of members	79
III. Ballot of precedence of non-official business	81
IV. Ballot of precedence of non-official Bills	87
V. Printing of questions ..	87
VI. Questions	88
VII. Division	91
VIII. Petition to Assembly ..	94
IX. Report of Petitions	96
X. Special ballot for taking resolution out of turn	97
XI. Forms of Notice—	
(1) Question	99
(2) Resolution	101

	Page.
(3) Bill	103
(3A) Amendment, to Bill ..	105
(3B) Amendment to clauses in Bill	107
(4) Motion of reduction (Token)	109
(4A) Motion of reduction (Economy)	111
XII. Admission of visitors ..	112
XIII. Election by single transferable vote	118
XIV. Election to Committee on Public Accounts	121
Bengal Legislative Chambers (Members' Emoluments) Act, 1937	149
Bengal Legislative Chambers (Members' Allowances) Rules, 1937 ..	155
Indian Elections Offences and Inquiries Act, 1920	169
Bengal Legislature (Removal of Disqualifica- tions) Act, 1937	183
West Bengal Ministers' Emoluments Act, 1948	189
The Constitution of India (Extracts) ..	195

NOTE

Members of the Legislative Assembly are exempt from liability to serve as jurors or assessors under Sec. 320, cl. (aa), of the Criminal Procedure Code, 1898.

Members of the Legislative Assembly are not liable to arrest or detention in prison under civil process

(a) during the continuance of any meeting of the Assembly,

(b) during the continuance of any meeting of any committee of the Assembly,

and during the fourteen days before and after such meeting. [*See* Sec. 135A of the Civil Procedure Code, 1908.]

**West Bengal Legislative Assembly
Procédure Rules**

THE WEST BENGAL LEGISLATIVE ASSEMBLY PROCEDURE RULES.

*As modified and adapted by the Speaker
of the West Bengal Legislative
Assembly under Article 208,
clause (2) of the Constitu-
tion of India.*

CONTENTS.

Part I—Preliminary.

RULE.

1. Definitions.

Part II—Meetings of the Assembly.

- 2. Notification and summons for meeting.**
- 3. Opening speech of Governor.**
- 4. Sitting of the Assembly.**
- 5. Election of Speaker by the Assembly.**
- 6. Election of Deputy Speaker.**
- 7. Temporary Chairman.**
- 8. Members absent from meetings of the
Assembly for sixty days.**
- 9. Members' places.**
- 10. Language of the Assembly.**
- 11. Members to rise when speaking.**
- 12. Explanation.**
- 13. Limitations on debate.**
- 14. Decision on points of order.**

15. Personal explanations.
16. Irrelevance or repetition.
17. Power to order withdrawal of member.
18. Power of person presiding in absence of the Speaker.

Arrangement of business.

19. Allotment of time for private members' business and precedence of business.
20. Business left over from previous session.
21. Arrangement of business.
22. List of business.
23. Business outstanding at end of day.

Part III—Questions.

24. Time for Questions.
25. Notice of Questions.
26. Disallowance of Questions by the Speaker.
27. Form and contents of Questions.
28. Questions regarding controversy with higher authorities.
29. Speaker to decide admissibility of Question.
30. List of Questions.
31. Matters to which they must relate.
32. Questions how put.
33. Answers to withdrawn Questions.
34. Supplementary Questions.

- 35. **Supplementary Question of which notice is asked.**
- 36. **Prohibition of discussion.**

Part IV—Motions.

- 37. **Motions.**
- 38. **Voting.**
- 39. **Admissibility of Motions.**
- 40. **Repetition of Motions.**
- 41. **Identical Motions.**
- 42. **Order of speeches, right of reply, time-limit of speeches.**
- 43. **Rules as to Amendments.**
- 44. **Order of Amendments.**
- 45. **Division of Motion.**
- 46. **Withdrawal of Motions.**
- 47. **Closure.**

Part V—Legislation.

(a) Introduction.

- 48. **Publication of Bills before introduction.**
- 49. **Notice of motion for leave to introduce Bills**
- 50. **Notice of motion to introduce Bill or move amendment requiring previous sanction.**
- 51. **Motion for leave to introduce Bill.**
- 52. **Publication.**

(b) Motions after introduction.

53. Motion after introduction.
54. Discussion of Bills.
55. Persons by whom motions in respect of Bills may be made.

(c) Select Committees.

56. Select Committee.
57. Proceedings of Select Committee to be treated as confidential.

(d) Reports by Select Committees.

58. Report by Select Committee.
59. Printing and publication of reports.
60. Presentation of report and procedure after presentation.

(e) Consideration and amendment of Bills.

61. Proposals of amendments.
62. Notice of amendments.
63. Short notice amendments.
64. Order of amendments.
65. Submission of Bill clause by clause.
66. Passing of Bills.
67. Formal revision of Bill and submission of it to Speaker for authentication.
68. Assent to Bill and publication of Bill as Act.
69. Withdrawal of Bill.

70. Reconsideration of Bills returned by the Governor.

(f) Petitions and other communications.

71. Contents, form, etc., of petitions.

72. Presentation of petitions.

73. Committee on petitions.

74. Reference to committee and report.

75. Other communications.

• Part VI—Resolutions.

76. Notice of Resolutions.

77. Objection to Resolutions on certain grounds.

78. Form of Resolutions.

79. Restrictions on the form and contents of Resolutions.

80. Procedure on motion to withdraw.

81. Amendments.

82. Notice of amendments.

83. Limitation of time for discussion of Resolution.

84. Procedure for taking Resolution out of turn.

85. Copy to Government.

86. Special Motions.

Part VII—Motions for adjournment for purposes of debate. ' ,

87. Motion for adjournment.

88. Disallowance and objection . to motion on certain grounds.
89. Restrictions on power to make motions.
90. Time and method of asking leave.
91. Procedure to be followed.
92. Limitation of time of discussion.

Part VIII—Ministers and Speaker.

93. Motion of non-confidence in Ministers.
94. Resignation of Ministers.
95. Resolution to remove Speaker and Deputy Speaker from office.

Part IX—Budget.

96. Presentation of the Budget.
97. Form of Budget.
98. Stages of Budget Debate.
99. General discussion.
100. Voting of Demands.
101. Vote on Account.
102. Appropriation Bill.
103. Supplementary or Additional Grants.
104. Discussion of Supplementary or Additional Estimate.
105. Excess Grant.
106. Vote of Credit or exceptional Grant.

Part X—Committee on Public Accounts.

107. Reference of accounts and reports to Committee on Public Accounts.

- 108. Publication of accounts and reports.
- 109. Prohibition of discussion.
- 110. Constitution of Committee on Public Accounts.
- 111. Functions of Committee on Public Accounts.
- 112. Presentation of Report of Committee on Public Accounts.

Part XI—Miscellaneous.

- 113. Procedure to be followed in amending these rules.
- 114. Power of Speaker to make orders and give directions.
- 115. Address to Governor.
- 116. Giving of notice.
- 117. Journal.
- 118. Full report of proceedings.
- 119. Publications by order of the Assembly.
- 120. Copy of Bill to the President.
- 121. Supply of copies of private members' Bills.
- 122. Admission of strangers.
- 123. Power to order withdrawal of strangers.
- 124. Committee of Privileges.
- 125. Filling of casual vacancies in committees.
- 126. Interpretation.
- 127. Short title.

THE WEST BENGAL LEGISLATIVE ASSEMBLY PROCEDURE RULES.

*As modified and adapted by the Speaker
of the West Bengal Legislative
Assembly under Article 208,
clause (2) of the Constitu-
tion of India.*

PART I.

PRELIMINARY.

1. In these rules—

Definitions.

“Assembly” means the West Bengal
Legislative Assembly;

“Constitution” means the Constitu-
tion of India;

“Finance Minister” means the
Minister appointed by the
Governor to perform the functions
of the Finance Minister under
these rules, or in his absence, any
Minister authorised by the
Governor to perform such func-
tions of such Minister;

“Gazette” means the “Calcutta
Gazette”;

“Member in charge of the Bill” means, in the case of a Government Bill, any member acting on behalf of Government and, in any other case, the member who has introduced the Bill;

“Minister” means a Member of the Council of Ministers, and includes any member to whom such Minister may delegate any function assigned to him under these rules;

“Motion” means a proposal made by a member for the consideration of the Assembly relating to any matter which may be discussed by the Assembly, and includes an amendment;

“Secretary” means the Secretary to the Assembly, and includes any person for the time being performing the duties of the Secretary;

“Select Committee” means a committee appointed by the Assembly to consider, or take evidence upon, any Bill and to report their opinion for the information and assistance of the Assembly and

includes a committee of the whole Assembly constituted for such purposes;

“Session” means the whole period, from the time when the Assembly meets to the time when it is prorogued.

PART II.

MEETINGS OF THE ASSEMBLY.

2. Whenever it appears to the Governor that the Assembly should be summoned—

Notifica-
tion and
summons
for meet-
ing.

(a) he shall cause a notification to be published in the *Calcutta Gazette*, appointing the day, hour and place for a meeting of the Assembly, and

(b) the Secretary shall send to each member a summons to attend the meeting.

3. (1) On the day and the hour appointed for the commencement and holding of any session of the Assembly not being the first meeting after a dissolution and in the case of a session after a dissolution on the first sitting of

Opening
speech of
Governor.

the Assembly after the election of the Speaker, the Governor will address the Assembly as required by Article 176 of the Constitution.

(2) After the delivery of the speech by the Governor, the Speaker shall report to the Assembly that the Governor had been pleased to make a speech and shall lay a copy of the speech on the table.

(3) On such report being made, notice may be given of a motion that a respectful Address be presented to His Excellency the Governor in reply to his speech expressing the thanks of the Assembly for the speech delivered by him.

(4) On such a motion being made, the Assembly shall adjourn to a future date for the discussion of the motion. The Speaker shall allot such time for the discussion of the motion as he may consider necessary.

(5) Amendments may be moved to such motion by way of adding additional words at the end of the Address but not otherwise on such notice being given as the Speaker may determine.

(6) The debate on the Address shall take precedence over all other business except formal business.

(7) The Address having been adopted with or without amendment shall be presented to the Governor by the Speaker in such manner as the Governor may appoint.

(8) The Speaker shall report to the Assembly the Governor's reply to the Address.

4. (1) Whilst in session, the Assembly shall ordinarily meet at 4 p.m., except on Saturdays when the hour of meeting shall ordinarily be 11 a.m.

Sitting of
the
Assembly.

(2) Any meeting of the Assembly may be adjourned by the Speaker.

5. (1) When, owing to a vacancy in the office of the Speaker, it is necessary to choose a member as Speaker, the Governor shall fix a date for the holding of the election, and the Secretary shall send to every member notice of the date so fixed.

Election
of Speaker
by the
Assembly.

(2) At any time before 1 p.m., on the day preceding the date so fixed, any member may nominate another member

for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder, and stating—

- (a) the name of the member-nominated, and
- (b) that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

(3) The person presiding shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconds, and, if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Assembly shall proceed to elect a Speaker by ballot.

(4) For the purposes of sub-rule (3), a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation as members of the Assembly.

(5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being, excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(6) Where at any ballot any of two or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (5), the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by drawing of lots in such manner as the person presiding may decide.

6. (1) As soon as may be after the election of the Speaker, the Assembly shall elect one of its members to be Deputy Speaker.

Election of
Deputy
Speaker.

(2) At any time before 1 p.m., on the day preceding the date fixed by the Governor for the election of a Deputy Speaker, any member may nominate another member for election by delivering to the Secretary, a nomination paper signed by himself as proposer and by a third member as seconder, and stating—

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as Deputy Speaker, if elected.

(3) The Speaker shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders, and if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Assembly shall proceed to elect a Deputy Speaker by ballot.

(4) The provisions of sub-rules (4), (5) and (6) of rule 5 shall apply to such election.

(5) If a vacancy in the office of Deputy Speaker occurs during the life of an Assembly, a fresh election shall be held in accordance with the procedure hereinbefore mentioned.

7. At the commencement of every session the Speaker shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen any one of whom may preside over the Assembly in the absence of the Speaker and Deputy Speaker, when so requested by the Speaker, or in his absence, by the Deputy Speaker. Temporary
Chairman.

8. (1) If a member finds at any time that he is unable to attend meetings of the Assembly for a period of sixty days, computed in the manner provided in the proviso to clause (4) of Article 190 of the Constitution, he shall apply for permission to be so absent. Members
absent
from meet-
ings of the
Assembly
for sixty
days.

(2) Such application shall, as soon as possible after receipt, be considered by the Assembly, ordinarily without discussion, in such manner as the Speaker may determine. •

(3) The Secretary shall inform the member, as soon as possible, of the decision of the Assembly on his application.

(4) The Secretary shall keep a list showing the names of all members who are absent for sixty days or more, computed in the manner provided in the proviso to clause (4) of Article 190 of the Constitution, from all meetings of the Assembly, and such list shall be made available for inspection by members.

(5) If a member is absent without permission from all meetings of the Assembly for a period of sixty days or more, computed in the manner provided in the proviso to clause (4) of Article 190 of the Constitution, any member may move that such member's seat be declared vacant.

(6) A member shall give ten days' notice of such a motion and shall, with his notice, forward a complete statement of the dates on which the member whose seat is to be declared vacant was absent.

(7) No such motion shall be admitted for discussion if the Speaker is satisfied that the statement is inaccurate.

(8) If such motion is carried, the Secretary shall intimate the fact to the Governor.

9. The members shall sit in such order as the Speaker may appoint. Members' places.

10. The business of the Assembly shall be transacted in English provided that any member may address the Assembly in Bengali or in Hindi and further that the Speaker may permit any member who cannot adequately express himself in any of the aforesaid languages to address the Assembly in his mother tongue. Language of the Assembly.

11. A member desiring to make any observations on any matter before the Assembly shall speak from his place, shall rise when he speaks, and shall address the Speaker. At any time if the Speaker rises, any member speaking shall immediately resume his seat. Members to rise when speaking.

12. When, for the purpose of explanation during discussion or for any other sufficient reason connected with the matter then under consideration of the Assembly, any member has occasion to ask a question of another member, he shall ask the question through the Speaker. Explanation.

Limitations on debate.

13. (1) The matter of every speech must, in the opinion of the Speaker, be relevant to the matter before the Assembly.

(2) A member while speaking may not—

(i) reflect upon the conduct of—

(a) the President, or

(b) any Governor;

(ii) use offensive expressions regarding the conduct or proceedings of the Union or any State legislature;

(iii) reflect on any determination of the Assembly except on a motion for amending or rescinding it;

(iv) except with the leave of the Speaker, discuss any ruling or direction or any order of the Speaker disallowing a question, resolution or motion;

(v) use his right of speech for the purpose of wilfully obstructing the business of the Assembly;

(vi) utter treasonable words;

(vii) make a personal charge against any member; or

(viii) refer to any matter of fact on which a judicial decision is pending.

14. (1) The Speaker shall decide all points of order which may arise, and his decision shall be final. Decision on points of order.

(2) Any member may at any time submit a point of order for the decision of the Speaker, but in doing so shall confine himself to stating the point.

15. Notwithstanding anything contained in these rules, a member may, with the permission of the Speaker, make a personal explanation at any time, but in doing so no debatable matter may be brought forward and no debate can arise. Personal explanations.

16. The Speaker, after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech. Irrelevance or repetition.

17. (1) The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order. Power to order withdrawal of member.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Assembly, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly. The member so directed to be absent shall not be deemed to be absent for the purposes of clause (4) of Article 190 of the constitution.

(3) The Speaker may in the case of grave disorder arising in the Assembly suspend any sitting for a time to be named by him.

Power of
person
presiding
in absence
of the
Speaker.

18. All the powers conferred on the Speaker by these rules to be exercisable at a meeting of the Assembly, shall be exercised, in the absence of the Speaker, by the person presiding over the Assembly, and all references to the Speaker in these rules shall, in so far as

they relate to his functions when presiding over meetings of the Assembly, be construed as references to the person presiding over the Assembly in his absence.

Arrangement of business.

19. Except at the meeting on Friday of each week, Government business, unless the Governor otherwise directs, shall have precedence at every meeting of the Assembly, provided that, with the permission of the Speaker, Government business may have precedence on any Friday. The Governor may allot different Fridays for the disposal of different classes of private members' business. On days allotted for any particular class of business, business of that class shall have precedence.

Allotment of time for private members' business and precedence of business.

20. (1) On the termination of a session all pending notices shall lapse, and fresh notice must be given for the next session except in the case of a question which has not been answered or Bills which for want of time could not be introduced.

Business left over from previous session.

(2) On the termination of a session Bills which have been introduced shall be carried over to the pending list of business of the next session :

Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse, unless the Assembly on a motion by that member make a special order for the continuance of the Bill.

(3) The Speaker may, in respect of any Bill, suspend the operation of this rule.

Arrange-
ment of
business.

21. (1) At times when Government business has precedence, the Governor may arrange that business in such order as he thinks fit.

(2) The relative precedence of notices of Bills and resolutions given by private members shall, from time to time, be determined by ballot in such manner as the Speaker may direct. The order of priority as determined by the ballot shall, subject to the provisions of rule 84, be final.

(3) On a day allotted for the disposal of private members' Bills, such Bills shall, provided that any notice required

by these rules has been given, have relative precedence in the following order:—

- (a) Bills returned by the Governor with a message under Article 200 or 201 of the constitution;
- (b) other Bills.

Bills of each of the above classes shall be arranged so as to give priority to those which are most advanced. The relative precedence of Bills which have reached the same stage shall be determined by ballot in such manner as the Speaker may direct.

22. (1) A list of business for the day shall be prepared by the Secretary and shall be circulated to all members. List of business.

(2) No business not included in the list of business for the day shall be transacted at any meeting without the leave of the Speaker.

23. All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs. Business outstanding at end of day.

PART III.

QUESTIONS.

Time for
questions.

24. The first hour of every meeting shall be available for the asking and answering of questions.

Notice of
questions.

25. A member who wishes to ask a question shall give twelve days' notice of his intention and shall, together with the notice, submit a copy of the question he wishes to ask:

Provided that the Speaker may, with the consent of the Minister in charge of the Department to which the question relates, allow a question to be put at shorter notice than twelve days:

Provided also that no member shall, unless he has obtained the special permission of the Speaker, be permitted to send in notice of more than twelve questions during one session of the Assembly, exclusive of any question that may have been carried over for reply from a previous session, but if a session extends over sixty days, the above limit of twelve questions shall be increased to fifteen.

26. The Speaker may disallow any question or any part thereof on the ground that it relates to a matter which is not primarily the concern of the Government of the State and if he does so, the question, or part of the question, shall not be placed on the list of business.

Disallow-
ance of
questions
by the
Speaker.

27. In order that a question may be admissible, it must satisfy the following conditions, namely:—

Form and
contents of
questions.

- (i) it must be asked with the object of eliciting information;
- (ii) it must not bring in any name or statement not strictly necessary to make the question intelligible;
- (iii) if it contains a statement, the member asking it must make himself responsible for the accuracy of the statement;
- (iv) it must not contain any argument, inference, imputation, epithet or ironical expression;
- (v) it must not ask for expression of opinion or the solution of a hypothetical proposition;
- (vi) it must not be asked as to the character or conduct of any person

except in his official or public capacity, and a question making or implying a charge of a personal character may be disallowed;

(vii) it must not be of excessive length;

(viii) it must not refer to any matter which is under adjudication by a court of law; and

(ix) it must not be a request for action.

Questions regarding controversy with higher authorities.

28. In matters which are or have been the subject of controversy between the Union and the State Governments, no question shall be asked, except as to matters of fact, and the answer shall be confined to a statement of facts.

Speaker to decide admissibility of question.

29. The Speaker shall decide on the admissibility of a question with reference to the provisions of these rules and shall disallow any question when, in his opinion, it is an abuse of the right of questioning, or is in contravention of those provisions.

List of questions.

30. As soon as answers to questions which have not been disallowed are received by the Secretary, they shall be entered in a list of questions to be prepared as early as possible and in such

manner as the Speaker may determine and the questions shall be put, if the time available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting. Any questions left over owing to time not being available shall be postponed to the next day of meeting, when they shall take precedence over other questions.

31. (1)• A question addressed to a Minister must relate to the public affairs with which he is officially connected, or to a matter of administration for which he is responsible.

Matters to which they must relate.

(2) A question addressed to a member other than a Minister must relate to some Bill, motion or other matter connected with the business of the Assembly for which such member is responsible.

32. Questions shall be put and answers given in such manner as the Speaker may determine.

Questions how put.

33. The Speaker, at the request of a Minister, may direct that any answer to a question may be given on the ground of public interest, even though the question is not put or the member in whose name it stands is absent.

Answers to withdrawn questions.

Supple-
mentary
questions.

34. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Speaker shall disallow any supplementary question if, in his opinion, it infringes the rules.

Supple-
mentary
question
of which
notice is
asked.

35. If a Minister asks for notice of a supplementary question, the member asking such question shall draw attention thereto in writing, but such question shall not be taken into account for the purposes of the second proviso to rule 25.

Prohibition
of dis-
cussion.

36. No discussion shall be permitted in respect of any question or of any answer given to a question.

PART IV.

MOTIONS.

Motions.

37. (1) A matter requiring the decision of the Assembly is brought forward by means of a question put by the Speaker on a motion proposed by the Speaker himself or by any other member.

(2) A member who wishes to move a motion (other than a motion for which a specified period is otherwise prescribed) shall give notice of his intention to the Secretary ten days before the meeting at which he intends to move the motion:

•Provided that the Speaker may, in his discretion, admit at any time any motion at shorter notice than that prescribed by any rule or may admit a motion without notice.

38. The question on a motion shall be put in such manner as the Speaker may, by orders made in this behalf, determine. Voting.

39. (1) Except as otherwise provided in these rules, the Speaker shall decide on the admissibility of a motion. Admissibility of motions.

(2) The Speaker may disallow any motion when, in his opinion, it does not comply with these rules.

40. A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session. Repetition of motions.

41. Where substantially identical motions stand in the names of two or more members, the Speaker shall decide Identical motions.

whose motions shall be moved, and the other motions shall thereupon be deemed to be withdrawn.

Order of
speeches,
right of
reply, time-
limit of
speeches.

42. (1) When any member moved a motion, other members may speak to it in such order as the Speaker may direct.

(2) Except in the exercise of a right of reply or as otherwise provided, no member shall speak more than once to any motion.

(3) A member who has moved a substantive motion may speak again by way of reply, and if the motion is moved by a private member, the Minister to whose Department the matter relates shall have the right of speaking after the mover, whether he has previously spoken in the debate or not.

(4) Except with the permission of the Speaker no speech upon any motion shall exceed fifteen minutes in duration:

Provided that the mover of a motion, when moving the same, and the Minister in charge of the Department to which the motion relates when speaking for the first time, may speak for thirty minutes.

43. (1) An amendment must be relevant to, and within the scope of, the question to which it is proposed.

Rules as
to amend-
ments.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of a question, an earlier part shall not be amended.

(4) An amendment to a question must not be inconsistent with the previous decision on the same question given at the same stage of any Bill or motion.

(5) The Speaker may refuse to put an amendment which is, in his opinion, frivolous.

44. (1) When an amendment to any motion is moved, or when two or more such amendments are moved, the Speaker shall, before taking the sense of the Assembly thereon, state or read to the Assembly the terms of the original motion and of the amendment or amendments proposed.

Order of
amend-
ments.

(2) It shall be in the discretion of the Speaker to put first to the vote either

the original motion or any of the amendments which may have been brought forward.

Division of
motion.

45. When any motion involving several points has been discussed, it shall be in the discretion of the Speaker to divide the motion, and put each or any point separately to the vote as he may think fit.

With-
drawal of
motions.

46. (1) A member who has moved a motion shall not withdraw the same, except by leave of the Assembly.

(2) No discussion shall be permitted on a request for leave to withdraw, except with the permission of the Speaker.

(3) If the leave of the Assembly has been given to withdraw a motion to which an amendment has been proposed, the mover of the amendment may forthwith move the motion in its amended form.

Closure.

47. When any motion is under discussion, any member may move "that the question be now put", and unless it appears to the Speaker that the request is an abuse of these rules or an infringement of the rights of reasonable

debate or of the rights of the opposition, the question "that the question be now put" shall be put forthwith without debate thereon. If such motion be carried, the question shall be put accordingly, provided that the Speaker may, unless the time, if any, allotted to the original motion is thereby exceeded, permit the mover of such motion to exercise such right of reply as provided in these rules.

PART V.

LEGISLATION.

(a) *Introduction.*

48. The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again: Publica-
tion of
Bills before
introduc-
tion.

Provided that in the case of Bills which have been published in the *Official Gazette* before the 26th day of

January, 1950, it shall not be necessary to republish the Bills in the Gazette although such Bills are introduced or motions for their consideration are moved in the Assembly after the aforesaid date.

Notice of motion for leave to introduce Bills.

49. (1) Any member other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit six copies of the Bill and of the Statement of Objects and Reasons.

(2) The period of notice of a motion for leave to introduce a Bill shall be fifteen days, unless the Speaker in exercise of his power to suspend this sub-rule allows the motion to be made at shorter notice.

Notice of motion to introduce Bill or move amendment requiring previous sanction.

50. (1) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved save with previous sanction, unless such previous sanction has been intimated to him, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the Governor, and the motion shall not be placed in the list of business unless the

Governor has indicated to the Speaker that the previous sanction required has been granted.

(2) If in the opinion of the Speaker any question arises whether a Bill or amendment thereto is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction, he shall refer the question to the Governor, and the decision of the authority which would have the power to grant the previous sanction if it were necessary, shall be final.

(3) Notwithstanding the fact that the Speaker has made no reference under sub-rule (2) if, in the opinion of the Governor, any question arises whether a Bill or an amendment thereto is or is not a Bill or an amendment which cannot be introduced or moved save with previous sanction, he may intimate to the Speaker the fact that such a question has arisen and that the decision of the authority which would have the power to grant the previous sanction, if it were necessary, will be communicated to the Speaker.

(4) Until the decision referred to in sub-rules (2) and (3) has been communicated to the Speaker, and if the

decision be that previous sanction is required, unless the Governor indicates to the Speaker that such sanction has been granted, the motion shall not be placed on the list of business, or if it has been so placed shall not be further proceeded with.

Motion for
leave to
introduce
Bill.

51. (1) If a motion for leave to introduce a Bill is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question thereon.

(2) If such motion be carried, the Secretary shall read the title of the Bill, and the Bill shall thereupon be deemed to be introduced in the Assembly.

Publica-
tion.

52. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

(b) Motions after introduction..

Motion
after intro-
duction.

53. (1) When a Bill is introduced, or on some subsequent occasion, the member in charge of the Bill having

given the notice prescribed in sub-rule (2), may make one of the following motions in regard to the Bill, namely:—

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then mentioned, or
- (b) that it be referred to a select committee, or
- (c) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made, unless copies of the Bill have been so available for fifteen days before a motion under clause (a) or for seven days before a motion under clause (b) or clause (c) is made, and such objection shall prevail, unless the Speaker in exercise of his power to suspend this sub-rule allows the motion to be made.

(2) Save as provided in rule 60, the period of notice of a motion to take a Bill into consideration shall be twenty-one days, and of a motion that a Bill be

referred to a select committee or circulated for the purpose of eliciting opinion thereon, fifteen days, unless the Speaker in exercise of his power to suspend this sub-rule allows the motion to be made at shorter notice.

(3) Where notice of any motion has been given under this rule before the 26th day of January, 1950, it shall not be necessary to give any fresh notice although such motion may be made in the Assembly after the aforesaid date.

**Discussion
of Bills.**

54. (1) On the day on which any such motion is made, or on any subsequent day to which the discussion is postponed, the principles of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved but—

(a) if the member in charge of the Bill moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a select committee or be circulated for

the purpose of eliciting opinion thereon before a date to be mentioned in the motion, or

- (b) if the member in charge of the Bill moves that the Bill be referred to a select committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion.

(3) The period of notice of an amendment moved under sub-rule (2) shall be ten days, unless the Speaker in exercise of his power to suspend this sub-rule, allows the amendment to be moved at shorter notice.

(4) Where a motion that the Bill be circulated for the purpose of eliciting opinion is carried in the Assembly and the Bill is circulated in accordance with that direction, and opinions have been received thereon before the date mentioned in the motion, the member in charge of the Bill, if he wishes to proceed with the Bill thereafter, must move that the Bill be referred to a select committee, unless the Speaker in the exercise of his power to suspend this rule allows a motion to be made that the Bill be taken into consideration.

Persons by whom motions in respect of Bills may be made.

55. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a select committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge of the Bill, except by way of amendment to a motion made by the member in charge of the Bill.

(c) Select Committees.

Select committee.

56. (1) A select committee shall consist of not more than seventeen members unless, on a motion in that behalf carried by the Assembly, a Bill stands referred to a committee of the whole Assembly.

(2) Except in a motion that a Bill be referred to a committee of the whole Assembly, the Minister in charge of the department to which a Bill relates, the member who introduced the Bill and the other members of the select committee shall be named as members in the motion proposing the appointment of the committee.

(3) The Minister in charge of the department to which a Bill relates shall, if he is a member of the Assembly, ordinarily be Chairman of the committee, provided that in the case of a committee of the whole Assembly, the Chairman shall be the Speaker or a member appointed by him.

(4) If such Minister is not a member of the Assembly, the committee shall choose a member of the committee to be their Chairman.

(5) The Chairman shall not vote in the first instance, but in the case of an equality of votes, shall have a casting vote.

(6) A select committee may hear expert evidence and representatives of special interests affected by the measure before them.

57. All proceedings of a select committee shall be treated as confidential, and its recommendations shall not be disclosed until the report has been made available for the use of each member or has been published in the Gazette.

Proceedings of select committee to be treated as confidential.

(d) Reports by select committees.

Report by
select com-
mittee.

58. (1) When a Bill has been referred to a select committee, the committee shall make a report thereon, provided that in the case of a committee of the whole Assembly, it shall not be necessary for a member, other than the Chairman, to sign the report.

(2) Reports may be either preliminary or final.

(3) The select committee shall, in their report, state whether or not, in their opinion the Bill has been so altered as to require re-publication, whether the publication directed by these rules or by the Assembly has taken place and the date on which the publication has taken place or, where publication in more than one language is ordered, the date on which the publication in each such language has taken place.

(4) If any member of a select committee, other than a committee of the whole Assembly, desires to record a minute of dissent on any point, he must sign the majority report, stating that he does so subject to his dissent, and must at the same time hand in his minute.

(5) Every such minute of dissent must be confined to a discussion of matter contained in the report, and must be free from personal remarks.

59. (1) The Secretary shall cause every report of a select committee to be printed, and a copy of the report shall be made available for the use of each member. The report, with the amended Bill, shall be published in the Gazette.

Printing and publication of reports.

(2) If any member is unacquainted with the language of the report, the Secretary shall also, if requested and if time permits, cause the report to be translated for his use into such language as the Speaker may direct.

60. (1) Every report by a select committee on a Bill shall be presented to the Assembly by the Chairman of the committee.

Presentation of report and procedure after presentation.

(2) In presenting a report the Chairman shall, if he makes any remarks, confine himself to a brief statement of fact.

(3) After the presentation of the final report, the member in charge of the Bill may move—

(i) that the Bill as reported by the select committee be taken into

consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days, and such objection shall prevail, unless the Speaker in exercise of his power to suspend this rule allows the report to be taken into consideration; or

(ii) that the Bill be re-committed either—

(a) without limitation, or

(b) with respect to particular clauses or amendments only, or

(c) with instructions to the select committee to make some particular or additional provision in the Bill.

(4) If the member in charge of the Bill moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed.

(5) The period of notice of a motion to take a Bill into consideration under this rule shall be fifteen days, unless the

Speaker in exercise of his power to suspend the sub-rule allows the motion to be made at shorter notice.

(6) Copies of the report of a select committee may be made available to members and notice of a motion under sub-rule (3) given before the report is formally presented under sub-rule (1).

(e) Consideration and amendment of Bills.

61. When a motion has been agreed to by the Assembly that a Bill be taken into consideration, any member may propose an amendment to such Bill.

Proposals
of amend-
ments.

62. (1) Any member who wishes to move an amendment to any Bill under the consideration of the Assembly shall give notice thereof, at least ten days before the first day on which the Bill is to be taken into consideration by the Assembly and shall, together with the notice, send a copy of the amendment which he desires to move.

Notice of
amend-
ments.

(2) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed, and a copy shall be made available for the use of each member.

(3) If any member present is unacquainted with the language, the Secretary shall also, if requested, and if time permits, cause every such notice to be translated into such language as the Speaker may direct.

Short
notice
amend-
ments.

63. On an oral request made by a member at a meeting of the Assembly, the Speaker, in his discretion, may admit an amendment to a Bill under the consideration of the Assembly at shorter notice than that prescribed elsewhere in these rules, provided that the question to which such amendment relates shall not be taken into consideration on the day on which the amendment is admitted, unless the Speaker directs otherwise.

Order of
amend-
ments.

64. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate.

Submission
of Bill
clause by
clause.

65. Notwithstanding anything in the foregoing rules, it shall be in the discretion of the Speaker, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Assembly clause by clause. When this procedure is

adopted, the Speaker shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question "that this clause, or (as the case may be) this clause as amended, stand part of the Bill".

66. (1) If no amendment be made when a motion that a Bill be taken into consideration has been agreed to by the Assembly, the Bill may at once be passed. Passing of Bills.

(2) If any amendment be made, any member may object to the passing of the Bill at the same meeting; and such objection shall prevail, unless the Speaker in exercise of his powers to suspend this rule allows the motion that the Bill be passed to be made.

(3) Where the objection prevails, the Bill shall be brought forward again at a future meeting, and may then be passed with or without further amendment.

67. When a Bill is passed by the Assembly, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments therein as may be required Formal revision of Bill and submission of it to Speaker for authentication.

and two copies of the Bill shall be submitted to the Speaker and shall be signed by him.

**Assent to
Bill and
publication
of Bill as
Act.**

68. When a Bill has been passed by the Assembly, it shall be signed by the Speaker and shall be submitted to the Governor for his assent, and, if assented to by him or by the President, it shall be published in the Gazette as an Act of the West Bengal Legislature assented to by the Governor or the President, as the case may be.

**With-
drawal of
Bill.**

69. The member in charge of a Bill may at any stage of the Bill move that the Bill be withdrawn, and, if such motion be carried, the Bill shall be withdrawn accordingly.

**Recon-
sideration
of Bills
returned
by the
Governor.**

70. (1) When a Bill is returned to the Assembly by the Governor with a message under Article 200 or 201 of the Constitution, the Bill shall be reconsidered by the Assembly.

(2) (a) The Speaker shall, on a day fixed by the Governor, read the message to the Assembly.

(b) On the day fixed by the Governor for the reconsideration of the Bill by the Assembly and within such time as the

Governor may allot for the purpose, the principles contained in the message shall be discussed, and on a motion (to which no amendment shall be admissible) moved and carried in that behalf, the recommendations of the Governor contained in his message shall, either, as the Governor may direct, at once or on such later day as the Governor may fix, be considered in detail and voted upon.

(c) The motion referred to in clause (b) and amendments to the Bill recommended by the Governor shall be moved by the member appointed by the Governor in his message to be the member in charge of the Bill for the purposes of this rule.

(d) Subject to the provisions of this rule and unless the Governor in his message otherwise directs, amendments to any amendment recommended by the Governor may be moved and the period of notice of such amendments shall be such as the Governor may direct.

(3) (a) Amendments to the Bill shall be relevant to the recommendations of the Governor and shall propose only such provisions as lie between the provisions contained in the Bill first submitted for

assent and the modifications thereof contained in the recommendations of the Governor.

(b) Rule 40 of these Rules shall not apply to proceedings under this rule.

(4) When a Bill has been reconsidered and passed by the Assembly, the provisions of rule 68 shall apply.

(f) *Petitions and other communications.*

**Contents,
form, etc.,
of petitions.**

71. Petitions to the Assembly must—

- (a) relate to a Bill which has been published in the Gazette or which has been introduced in the Assembly;
- (b) be addressed to the Assembly;
- (c) be signed by the petitioner or petitioners;
- (d) be in such form as the Speaker may prescribe;
- (e) be couched in respectful and temperate language; and
- (f) not propose the expenditure of public moneys or the imposition of any charge on public revenues.

**Presenta-
tion of
petition.**

72. A petition may be presented either through a member or by forwarding it to the Secretary. In the former

case the member shall present it to the Speaker after questions and before the list of business for the day is entered upon, and shall confine himself to a statement in the following form—"I present a petition signed by.....petitioners, regarding the.....Bill." In the latter case the Assembly shall be informed of the receipt of the petition in such manner as the Speaker may determine. In neither case shall there be any debate upon a petition at this stage.

73. A committee on petitions shall be constituted at the commencement of the first session in each financial year, and shall consist of the Deputy Speaker, who shall be Chairman, and seven members nominated by the Speaker. The Speaker may fill up any vacancies occurring on the committee during the year.

Committee
on petition.

74. Every petition shall, after presentation, be referred to the committee on petitions, who shall examine it and report to the Assembly the subject thereof, the number of petitioners and whether it conforms with these rules. If the petition so conforms, the committee may direct that the petition or an abstract

Reference
to committee and
report.

thereof be circulated as a paper to the Bill to which it relates. The committee in its report shall state whether circulation has or has not been directed, and where circulation has not been directed, the Speaker may direct such circulation.

**Other
commu-
nications.**

75. Other communications on matters connected with any Bill before the Assembly shall be addressed to the Secretary, who shall, if time permits, cause them to be printed and circulated to members, and shall also refer them to the select committee on the Bill to which they relate.

PART VI.

RESOLUTIONS.

**Notice of
resolutions.**

76. A member who wishes to move a resolution shall give twenty-one days' notice of his intention, and shall, together with the notice, submit a copy of the resolution which he wishes to move:

Provided that the Speaker, with the consent of the Minister-in-charge of the Department to" which the resolution

relates, may allow a resolution to be entered on the list of business at shorter notice than twenty-one days:

Provided also that no member shall, unless he has obtained the special permission of the Speaker, be permitted to send in notice of more than four resolutions during one session of the Assembly.

77. (1) The Minister-in-charge of the Department to which a resolution relates may, immediately before the resolution is moved, object to the resolution or any part thereof on the ground that it cannot be discussed without detriment to the public interest. If the Minister does so object, the member in whose name the resolution appears on the list of business shall either withdraw the resolution or such part thereof or move the same by a formal motion in the terms appearing in the said list, but without any speech.

Objection
to resolu-
tions on
certain
grounds

(2) Immediately after a resolution is so moved, the Minister-in-charge of the Department to which the resolution relates may move that the question may at once be put without discussion, and the Speaker, after permitting the Minister and the mover of the motion to make

brief explanatory statements may, with or without consulting the House as he may think necessary, put the question thereon without debate.

Form of resolutions. **78.** Every resolution shall be in the form of a declaration of opinion by the Assembly.

Restrictions on the form and contents of resolutions. **79.** Subject to the provisions of these rules, any member may move a resolution relating to a matter of general public interest:

Provided that no resolution shall be admissible which does not comply with the following conditions, namely:—

- (a) it shall be clearly and precisely expressed and shall raise some definite issue;
- (b) it shall not contain arguments, inferences or ironical expression, nor shall it refer to the conduct or character of persons except in their official or public capacity; and

- (c) it shall not refer to any matter which is under adjudication by a court of law:

Provided further that no resolution shall be admissible if it relates to a matter which is not primarily the concern of the Government of the State.

80. (1) A member in whose name a resolution appears on the list of business shall, when called on, either—

Procedure on motion to withdraw.

- (a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect, but may make such brief statement of his reasons for withdrawal as he may consider necessary; or

- (b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the list of business.

(2) If the member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn:

Provided that the Speaker, in his discretion, may allow another member to move such resolution, or may postpone it.

**Amend-
ments.**

81. When a resolution is under discussion, any member may, subject to the rules relating to resolutions, move 'an amendment to such resolution.

**Notice of
amend-
ments.**

82. (1) If a copy of such amendment has not been sent to the Secretary five days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker in exercise of his power to suspend this rule allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every amendment to be printed, and send a copy for the information of each member.

**Limitation
of time for
discussion
of resolu-
tion.**

83. (1) The Speaker may, if he thinks fit, allot a maximum limit of time which shall be available for the discussion of any resolution of a private member on any day allotted for the discussion of such resolutions.

(2) As soon as such maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the resolution under discussion.

(3) Notwithstanding anything contained in sub-rule (4) of rule 42, the Speaker may, in the case of any resolution for the discussion of which he has allotted a maximum time under sub-rule (1), prescribe a time limit for speeches shorter than that referred to in that rule.

84. (1) Notwithstanding anything contained in sub-rule (2) of rule 21, on the written requisition of not less than twenty-five members that a resolution be taken out of its turn on a day allotted for the discussion of resolutions of private members, the resolution shall, with the consent of the Speaker and the Minister-in-charge of the Department to which the resolution relates, be given precedence on that day over all other resolutions for which a ballot has been held:

Procedure
for taking
resolu-
tion out of
turn.

Provided that not more than one resolution shall be given such precedence in any one session of the Assembly.

(2) If more than one such requisition is received in respect of any one day, and the consent required by sub-rule (1) is obtained thereto, a special ballot shall be held in such manner as the Speaker may direct to determine which of the resolutions specified in such requisitions shall be given precedence on that day.

(3) A resolution shall not have precedence under this rule on any day unless the Minister concerned has received at least six days' notice, and the members at least twenty-four hours' notice, from the Secretary that the resolution will be given precedence on that day:

Provided that, with the consent of the Speaker, six days' notice shall not be necessary if the Minister agrees to accept shorter notice.

Copy to
Govern-
ment.

85. A copy of every resolution which has been passed by the Assembly shall be forwarded to the Governor.

Special
motion.

86. (1) Save in so far as is otherwise provided by the Constitution or by these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in

accordance with these rules, except with the consent of the Speaker and of the Minister to whose department the motion relates.

(2) No motion shall be admissible if it relates to a matter which is not primarily the concern of the Government of the State.

PART VII.

MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

87. A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

Motion for
adjourn-
ment.

88. No motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be admissible if it relates to a matter which is not primarily the concern of the Government of the State.

Disallow-
ance and
objection
to motion
on certain
grounds.

Restrictions on power to make motion.

89. The right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

- (i) not more than one such motion shall be made at the same sitting;
- (ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same session;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given; and
- (v) the motion must not deal with a matter on which a resolution could not be moved.

90. (1) A member desiring to ask for leave to move a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must hand to the Secretary before noon on the day on which he desires to ask for such leave a copy of the motion proposed to be moved, together with a short statement of the matter proposed to be discussed. The Secretary shall inform the member as early as possible whether the Speaker has given his consent or not.

Time and
method of
asking
leave.

(2) Leave to move such a motion must be asked for immediately after questions and before the list of business for the day is entered upon.

91. If the Speaker is of opinion that the matter proposed to be discussed is in order, and it has not been disallowed under these rules, the Speaker shall read the statement to the Assembly and ask whether the member has the leave of the Assembly. If no objection is taken, the Speaker shall intimate the hour at which the motion will be taken. If objection is taken, he shall request those members who support the motion to rise

Procedure
to be
followed.

in their places, and, if not less than eighteen members rise accordingly, he shall similarly intimate the hour. If less than eighteen members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

**Limita-
tion of
time of
discussion.**

92. (1) The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at the end of two hours' debate, and thereafter no question can be put.

(2) No speech during the debate shall exceed fifteen minutes in duration.

PART VIII.

MINISTERS AND SPEAKER.

**Motion of
non-confi-
dence in
Ministers.**

93. (1) A motion expressing want of confidence in the Council of Ministers or a motion disapproving the policy of the Council of Ministers in a particular respect may be made subject to the following restrictions, namely:—

(a) leave to make the motion must be asked for after questions and before the list of business for the day is entered upon;

- (b) the member asking for leave must, before the commencement of the sitting of the day, leave with the Secretary a written notice of the motion which he proposes to make.

(2) If the Speaker is of opinion that the motion is in order and is not an abuse of the procedure provided in sub-rule (1), he shall read the motion to the Assembly and shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-eight members rise accordingly, the Speaker shall intimate that leave is granted and that the motion will be taken on such day, not being more than ten days from the day on which leave is asked as he may appoint. If less than twenty-eight members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

94. (1) A member who has resigned the office of Minister may with consent of the Speaker make a personal statement in explanation of his resignation.

Resignation of Ministers.

(2) Such statement shall be made after questions and before the list of business for the day is entered upon.

(3) On such statement no debate shall be allowed :

Provided that a Minister shall be entitled after such member has made his statement to make a statement pertinent thereto.

Resolution
to remove
Speaker or
Deputy
Speaker
from office.

95. Any resolution to remove either the Speaker or the Deputy Speaker from office, of which the required notice of fourteen days has been received, shall be read to the Assembly by the person presiding over the Assembly. He shall then request those members who are in favour of leave being granted to move the resolution to rise in their places, and if not less than twenty-eight members rise accordingly, the person presiding over the Assembly shall intimate that leave is granted. If less than twenty-eight members rise, the person presiding over the Assembly shall inform the intending mover thereof that he has not the leave of the Assembly to move it.

PART IX.

BUDGET.

96. (1) "The Annual Financial Statement" for any financial year (herein referred to as the Budget) shall be presented to the Assembly on such date as the Governor may appoint.

Presentation of Budget.

(2) No discussion of the Budget shall take place on the day on which it is presented. •

97. (1) A separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government, provided that the Finance Minister may in his discretion include in one demand grants proposed for two or more departments or make a demand in respect of expenditure such as Famine Relief and Interest, which cannot readily be classified under particular departments.

Form of Budget.

(2) Each demand shall contain, first, a statement of the total grant proposed and then a statement of the detailed estimate under each grant, divided into items.

(3) Subject to these rules, the Budget shall be presented in such form •

as the Finance Minister may consider best fitted for its consideration by the Assembly.

Stages of
Budget
debate.

98. The Budget shall be dealt with by the Assembly in two stages—

- (i) a general discussion; and
- (ii) the voting of demand for grants.

General
discussion.

99. (1) On a day or days not exceeding four, subsequent to the presentation of the Budget, as the Governor may appoint and for such time as he may allot for the purpose, the Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but at this stage no motion shall be moved nor shall the Budget be submitted to the vote of the Assembly.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Speaker may, if he thinks fit, prescribe a time-limit for speeches.

Voting of
demands.

100. (1) The voting of demands for grants for any financial year shall take place on such days not exceeding twenty but not later than the 30th day of June of that year as the Governor may appoint

for the purpose; the twenty days provided under this sub-rule shall include the days taken for a vote on account. •

(2) Of the days so appointed not more than two days shall be allotted to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the days appointed under sub-rule (1) one hour before the time fixed for adjournment for the day, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demand for grants, and the consideration thereof shall not be anticipated by any motion for adjournment or interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

(4) On a day appointed under sub-rule (1) for the voting of grants, no other business shall, except with the consent of the Speaker, be taken up earlier than one hour before the time fixed for adjournment for the day; but nothing herein shall prevent the asking and

answering of questions during the time allowed for the purpose under these rules. •

(5) No demand for grant shall be made except on the recommendation of the Governor.

(6) Motions may be made at this stage to reduce any grant but not to increase or alter the destination of a grant.

**Vote on
account.**

101. (1) Notwithstanding anything contained in the preceding rules, on any day or days subsequent to the presentation of the Budget, which may be appointed by the Governor for the purpose, motions may be made for grants in advance in respect of the estimated expenditure for a part of any financial year.

(2) Such demands shall be dealt with by the Assembly in the same way as if they were demands for grants and the provisions of rules 97 and 100 shall *mutatis mutandis* apply.

**Appropriation
Bill.**

102. (1) As soon as may be after the grants have been made by the Assembly under rule 100 or rule 101 there shall be introduced a Bill to provide for the

appropriation out of the Consolidated Fund of the State of all moneys required to meet—

- (a) the grants so made by the Assembly; and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Budget presented to the Assembly.

(2) The provisions of these rules relating to Bills shall apply to an Appropriation Bill introduced under this rule :

Provided that no amendment shall be proposed to any such Bill which will have the effect of varying the amount, or altering the destination, of any grant made by the Assembly or of varying the amount of any expenditure charged on the Consolidated Fund of the State :

Provided further that the Speaker may suspend the operation of any such rules for the purpose of timely completion of the financial business. —

Supple-
mentary or
additional
grants.

103. At any time during a financial year an estimate may be presented to the Assembly for a supplementary or additional grant when—

- (i) the amount authorised by the Appropriation Act in respect of a particular service for any financial year is found to be insufficient for the purpose of that year; or
- (ii) a need arises during the current financial year for 'expenditure upon some new service not contemplated in the Budget of that year.

Discussion
of Supple-
mentary or
Additional
Estimate.

104. (1) The Governor shall allot one or more days not earlier than three days after the day when any supplementary or additional estimate is presented under rule 103—

- (a) for the voting of demands for supplementary or additional grants, and
- (b) for the discussion of the supplementary and additional expenditure charged on the Consolidated Fund of the State, or
- (c) for both such voting and discussion.

(2) Supplementary or additional estimates shall be dealt with by the Assembly in the same way as if they were demands for grants and the provisions of rules 97, 100 and 102 shall *mutatis mutandis* apply.

105. If any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly and shall be dealt with in the same way as if it were a demand for grant. **Excess grant.**

106. At any time during the financial year a motion may be made for a vote of credit or exceptional grant as contemplated by Article 206, clause (1) (b) and (c), of the Constitution. **Vote of credit or exceptional grant.**

PART X.

COMMITTEE ON PUBLIC ACCOUNTS.

107. The accounts of the State and the reports of the Comptroller and Auditor-General thereon shall, as soon as they are laid before the Assembly, stand referred to the committee on Public Accounts constituted under rule 110. **Reference of accounts and reports to Committee on Public Accounts.**

**Publication
of accounts
and
reports.**

108. When the accounts of the State and the reports of the Comptroller and Auditor-General thereon have been laid before the Assembly, the Secretary shall cause them to be published, and a copy of the accounts and the reports shall be made available for the use of each member.

**Prohibition of
discussion.**

109. No discussion of the accounts of the State and the reports of the Comptroller and Auditor-General thereon shall take place in the Assembly until the report of the committee on Public Accounts on such accounts and reports has been presented to the Assembly under rule 112.

**Constitution of
Committee on
Public
Accounts.**

110. (1) A committee on Public Accounts shall be constituted for the purpose of dealing with reports of the Comptroller and Auditor-General relating to the accounts of the State and such other matters as the Governor may refer to the committee.

(2) The committee on Public Accounts shall consist of nine members, including the Finance Minister who shall be a member *ex-officio*. They shall be elected by the Assembly from among its members according to the principle of

proportional representation by means of the single transferable vote. The term of office of members of the committee shall be one year, but any member shall be eligible for re-election.

(3) Casual vacancies shall be filled as soon as possible after they occur by nomination by the Speaker from, whenever possible, the party to which the member in whose place the vacancy has occurred belonged, and any person nominated to fill such a vacancy shall hold office for so long only as the person in whose place he is appointed would have held office.

(4) The Chairman shall be elected by the committee from among their members. In the case of an equality of votes on any matter the Chairman shall have a second or casting vote.

111. (1) In scrutinising the accounts of the State and the reports of the Comptroller and Auditor-General thereon, it shall be the duty of the committee on Public Accounts to satisfy itself—

Functions
of Commit-
tee on
Public
Accounts.

(a) that the moneys shown in the accounts as having been disbursed were legally available for and

applicable to the service or purpose to which they have been applied or charged,

- (b) that the expenditure conforms to the authority which governs it, and
- (c) that every re-appropriation has been made in accordance with such rules as may be prescribed by the Governor or by the Finance Minister as the case may be.

(2) It shall also be a duty of the committee on Public Accounts—

- (a) to examine such trading, manufacturing and profit and loss accounts and balance sheets, as the Governor may have required to be prepared, and the Comptroller and Auditor-General's report thereon;
- (b) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

112. The report of the committee on Public Accounts on the accounts of the State and the reports of the Comptroller and Auditor-General thereon shall be presented to the Assembly by the Chairman of the said committee.

Presentation of report of Committee on Public Accounts.

PART XI.

MISCELLANEOUS.

113. The procedure contained in these rules for the consideration of Bills shall, so far as may be, apply to a motion for leave to amend these rules.

Procedure to be followed in amending these rules.

114. (1) The Speaker may, by orders not inconsistent with these rules, provide for matters for which no provision is made, and may give such directions as may be necessary for giving effect to these rules and such orders.

Power of Speaker to make orders and give directions.

(2) Subject to the provisions of these rules, the Speaker may by orders provide for the procedure and conduct of business (including quorum) at all committees constituted under these rules.

115. An Address from the Assembly to the Governor shall be presented through the Speaker after motion made and carried in the Assembly.

Address to Governor.

**Giving of
notice.**

116. (1) Every notice required by these rules shall be given in writing, addressed to the Secretary, and may be posted or left at the Assembly office, which shall be open for this purpose between the hours of 11 and 3 o'clock on every day, except Sunday or a public holiday.

(2) Notices left, or delivered by post, when the office is closed shall be treated as given on the next open day.

(3) Notices shall be given in such form and manner as the Speaker may determine:

Provided that no notice may be required for a motion on a question of privilege.

Journal.

117. (1) The Secretary shall keep a journal, in which a short record of the proceedings of the Assembly for each day shall be fairly entered.

(2) The journal shall be submitted after each meeting to the Speaker for his confirmation and signature, and when so signed, shall be the record of the proceedings of the Assembly.

118. (1) The Secretary shall also cause to be prepared a full report of the proceedings of the Assembly at each of its meetings, and publish it as soon as practicable.

Full report
of Proceed-
ings.

(2) He shall send a copy of such report to each member of the Assembly and to the Governor and the President.

119. All publications in connection with the work of the Assembly or any committee thereof and published by order of the Speaker shall be deemed to be publications by order of the Assembly.

Publica-
tions by
order of
the Assem-
bly.

120. A copy of every Bill introduced in the Assembly shall, immediately after its introduction, be forwarded by the Secretary to the President for his information.

Copy of
Bill to the
President.

121. (1) Whenever a private member of the Assembly gives notice of his intention to move for leave to introduce a Bill, the Secretary shall forthwith send two copies of the Bill and Statement of Objects and Reasons to the Department to which the subject-matter of the Bill relates and to the Legislative Department.

Supply of
copies of
private
members'
Bills.

(2) The provisions of sub-rule (1) shall, as far as may be, apply to all amendments, notice of which is given by private members of the Assembly in the case of a Bill.

**Admission
of stran-
gers.**

122. The admission to the Assembly Chamber of—

- (1) visitors to the visitors' gallery,
- (2) representatives of the Press to the Press gallery, and
- (3) officials,

during the sittings of the Assembly shall be regulated in accordance with orders made by the Speaker after consultation with the Governor.

**Power to
order
withdraw-
al of
strangers.**

123. The Speaker, whenever he thinks fit, may order the galleries to be cleared.

**Committee
of Privi-
leges.**

124. (1) A committee of Privileges shall be constituted at the commencement of the first session in each financial year, and shall consist of the Deputy Speaker, who shall be Chairman, and eleven other members who shall be elected by the Assembly according to the principle of proportional representation by means of the single transferable vote.

(2) Members of the committee shall hold office until the committee is reconstituted in the following year in accordance with the provisions of sub-rule (1), and any member shall be eligible for re-election. Casual vacancies shall be filled as soon as possible after they occur by nomination by the Speaker from, whenever possible, the party to which the member in whose place the vacancy has occurred belonged, and any person nominated to fill such a vacancy shall hold office only until the committee is reconstituted but he shall be eligible for re-election.

125. Rules regarding filling of casual vacancies in connection with the committee of Privileges and the committee of Public Accounts shall govern all casual vacancies in connection with any committee that may be appointed by the Assembly, including a select committee, but not a committee of the whole House.

Filling of casual vacancies in committees.

126. If any doubt arises as to the interpretation of any of the provisions of these rules, the decision of the Speaker shall be final.

Interpretation.

Short title. **127.** These rules may be called the
West Bengal Legislative Assembly
Procedure Rules.

Speaker's Regulations

Regulations made by the Hon'ble Speaker under the West Bengal Legislative Assembly Procedure Rules.

[Appendices to the West Bengal
Legislative Assembly Procedure Rules.]

APPENDIX I.

Regulations regarding permission for absence from meetings of the Assembly under rule 8(2).

*Procedure for dealing with applications
for leave of absence.*

In exercise of the power conferred by rule 8(2) of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to make the following regulations determining the manner in which application for permission to be absent under clause (4) of Article 190 of the constitution shall be considered by the Assembly :—

1. On receipt of an application by a member under clause (4) of Article 190 of the constitution for permission of the Assembly to be absent, the application shall be placed on the library table and the item of business shall be placed in

the agenda after questions. On the item coming before the Assembly, any member may thereupon propose a motion in the form as follows:—

This Assembly do permit Sri/Janab/
Mr.....
representing.....
constituency, to be absent for the
period from.....to
.....for which he
finds that he is unable to attend
meetings of the Assembly.

2. If no member moves such a motion, the Speaker shall declare that the Chamber does not grant the leave applied for.

3. Any member intending to move a motion to the above effect must give at least 5 days' notice.

4. Copies of the motion shall be circulated to the members of the Assembly giving not less than 3 days to the members to send in notice of amendments, if any.

5. Subject to the provisions of these rules, the provisions of Part IV of the West Bengal Legislative Assembly Procedure Rules as far as they are applicable, shall apply.

APPENDIX II.

Procedure regarding sitting arrangement of members under rule 9 of the West Bengal Legislative Assembly Procedure Rules.

*In exercise of the discretion vested in him by rule 9 of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to make the following procedure regulating sitting arrangement of members, namely:—

- (a) A "Party" will be recognised as such when it consists of not less than 9 members.
- (b) A "Group" will be recognised as such when the number of members is below 9 but not less than 3:

Provided that the Speaker may, for special reasons, recognise a body consisting of 3 members or less as a group or sub-group.

2. Leaders or Whips may apply to the Speaker for the allotment to their Party or Group of a block of seats and

forward with the said application a list of members constituting the Party or Group with the signature or initials of each such member.

3. On receipt of the application referred to above, the Speaker will, if possible, allot to that Party or Group a block of seats according to their numerical strength and ask the Leader or Whip for a further list showing the allotment of specific seats made by the Party or Group to their members.

4. On receipt of this further list the Speaker will arrange for the reservation of each member's seat.

5. If no such report relating to the allotment of seats is received, the Speaker may allot the seats at his discretion.

6. The members will keep to their seats and refrain from crossing the floor of the House between the Chair and any member who may be speaking.

APPENDIX III.

Regulations regarding the manner of determining by ballot the relative precedence of notices of Bills and resolutions under rule 21(2) of the West Bengal Legislative Assembly Procedure Rules.

In exercise of the power conferred by rule 21(2) of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to direct that the following procedure be followed in determining the relative precedence of notices of Bills and resolutions, namely:—

1. All private members when giving notice for the introduction of Bills or the moving of resolutions will state in the notice the order of precedence in which they place the motions of which they are giving notice. If they send in more than one notice, the motion or motions contained in the earlier notice will take priority over other motions of the same member of which subsequent notice is given, unless the member sends express written intimation to the contrary. If notice of two or more motions is given by a member at one

time and no priority is stated between them, the motions will not be considered for priority until the ballot held under Regulation 8 below.

2. On such day and at such time as the Speaker may prescribe in this behalf, balloting will take place for priority of Bills and resolutions of, private members. Members may attend at the time of the ballot if they wish, but are not bound to do so.

3. The name of each member who has given notice of one or more motions (Bills or resolutions) shall be entered in alphabetical order by the Secretary on the ballot paper.

4. Slips of paper bearing corresponding numbers will be folded up and placed in the ballot box.

5. The *Assistant Secretary* or any other officer of the Assembly having shuffled the slips of paper will draw them out one by one and notify to the Secretary the numbers that have been drawn out.

6. (i) The Secretary shall thereupon announce, in order of drawing, the names of the members to whose signatures the numbers are attached upon the

ballot paper, and shall enter the notices in the list of business in the order arrived at by ballot:

Provided that, as a result of any one ballot, priority will be given to only one motion standing in the name of any one member.

(ii) If the Governor has passed no orders, the list of business will be compiled so as to give, within the time allotted to private members' business by the Governor, such time to Bills of private members and to resolutions as may be decided by the Speaker. When the number of a member is drawn in the ballot, if the motion to which he has given preference is a Bill, that Bill will take place in the list of business among the Bills according to the order of drawing, and if it is a resolution, then it will similarly take place in the list of resolutions.

7. After a ballot has been taken, if any notices stand over in the names of members whose names have been balloted, a further ballot or ballots shall be taken until all such notices have been disposed of.

8. Motions of members whose names do not appear on the ballot paper shall be placed after all balloted notices, in the order in which they may be drawn in a final supplementary ballot, conducted on the same lines, except that each motion will be given a number, and that the proviso to order 6(i) shall not apply.

9. Unless the members have not already been informed of the order of the private members' business as arrived at by the ballot, the Speaker shall, after question-time, announce it to the members in meeting.

Example.—The following notices of motions are received from A, B, C, D, E, F, G, H and I, namely:—

A—1 Resolution and 1 Bill.

B—2 Resolutions.

C—2 Bills.

D—1 Resolution.

E—1 Bill.

F—2 Resolutions.

G—4 Resolutions.

H—2 Resolutions.

I—4 Resolutions.

H and I send in notice to the Secretary but do not mention for which resolution they claim precedence. The notice is therefore treated as void for the purpose of the ballot.

The remainder comply with the provisions of rule 1. .

A ballot is taken with the following result:—

First—D.

Second—F.

Third—A.

Fourth—G.

Fifth—B.

Sixth—E.

Seventh—C.

At D's previous request his resolution is put first among the resolutions on the list of business. One of F's resolutions comes next. A has given preference to his Bill, so it is entered first among the Bills. The one of G's resolutions, which he has chosen, comes third among the resolutions.

Then one of B's.

E's Bill comes second on the list of Bills.

One of C's Bills comes third.

The above ballot leaves the following notices given by members balloting undisposed of, viz.:—

A's resolution.

B's second resolution.

C's second Bill.

F's second resolution.

G's three resolutions.

A second ballot is taken for the above items, by which all are disposed of on the same principle and entered in the list of business, except two of G's. Then G's two resolutions are entered in the list of business.

At the end of the list of business the two resolutions of H and the four resolutions of I are entered according to the order of the final supplementary ballot.

APPENDIX IV.

Regulation regarding the manner of determining by ballot the relative precedence of private members' Bills which have reached the same stage under rule 21(3) of the West Bengal Legislative Assembly Procedure Rules.

In exercise of the power conferred by sub-rule (3) of rule 21 of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to direct that the method of the ballot which governs the question of the precedence of notices of Bills and resolutions shall *mutatis mutandis* apply to determination by ballot of the relative precedence of Bills of private members which have reached the same stage.

APPENDIX V.

Regulation regarding the manner of printing lists of questions and answers under rule 30 of the West Bengal Legislative Assembly Procedure Rules.

In exercise of the discretion vested in him by rule 30 of the West Bengal

Legislative Assembly Procedure Rules, the speaker is pleased to determine that questions and answers should be printed daily in two separate lists of Starred and Unstarred questions with Arabic numerals.

APPENDIX VI.

Regulations regarding the manner of putting questions and answering them under rule 32 of the West Bengal Legislative Assembly Procedure Rules.

In exercise of the discretion vested in him by rule 32 of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to direct that the following procedure shall be adopted for the putting and answering of questions in the West Bengal Legislative Assembly :—

1. When submitting to the Secretary, under rule 25 of the West Bengal Legislative Assembly Procedure Rules, a copy of the question which he wishes to ask, a member shall, if he desires an oral answer to his question, distinguish it by an asterisk or “star”.

2. No "unstarred" question shall be answered orally but the answer thereto shall be printed and laid on the table.

3. Printed copies of the answers to all questions shall be laid on the table not more than half an hour before the Speaker takes his seat.

4. At question-time the Secretary shall, in the case of a question which is to be answered orally, specify the serial number of the question and forthwith call upon the Minister-in-charge to reply. In the case of a question which is not to be answered orally, the Secretary shall similarly specify the serial number of such question, and thereafter make a sufficient pause to allow the questioner or any other member a reasonable opportunity of rising in his place, in the event of his desiring to ask any supplementary question.

*Note :—*An asterisk will, for the sake of convenience, be placed against every question on the List of Questions and Answers which is to be answered orally.

5. A supplementary question shall, in the case of a question to be answered orally, be put immediately after the answer to the principal question to

which it relates has been given and, in the case of an "unstarred" question, as soon as Secretary has specified the serial number of such question.

6. No members shall be permitted to "star" more than six questions for reply at any one session :

Provided that during sessions extending beyond sixty days, the number of starred questions may exceed the prescribed limit up to eight and that of unstarred questions may be increased up to seven.

7. It shall be permissible for the Secretary to number as two or more questions (as the circumstances may require) any question (submitted as a single question) which appears to him to deal with more than one subject-matter; and should such renumbering of a member's questions result in his being found to have submitted more than six starred questions for answer at any session, he should be informed of the fact, and, if there is time, be asked to elect which of the questions he desires to have included among the starred questions on the List of Questions and Answers.

APPENDIX VII.

Regulations regarding the method of taking votes by division under rule 38 of the West Bengal Legislative Assembly Procedure Rules.

In exercise of the power conferred by rule 38 of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to make the following orders determining the method of taking votes by division, namely:—

1. When a division is claimed, the Speaker will order the lobbies to be cleared. The Secretary will set the division bells in motion for three minutes continuously, in order to warn members desiring to vote to take their seats in the Chamber. The division clerks will meanwhile take up their positions in the division lobbies.

2. When the division bells cease, the doors leading into the Chamber will be closed, and thereafter no member shall be permitted to enter the Chamber, nor shall any member not then in the Chamber be permitted to take part in the division.

3. (a) The Speaker will then put the question a second time and will declare whether in his opinion the Ayes have it or the Noes have it.

(b) If immediately after the opinion so declared a division is again claimed, the Speaker will direct the Ayes to go to the Aye lobby and the Noes to the No lobby:

Provided that the Speaker may in his discretion instead of taking votes as provided for in Order 3(b) call on the Ayes or the Noes to rise in their seats and may thereafter, on counting the persons who rise in their seats, either declare the determination of the House or direct the division to be taken through the lobbies in the manner as provided for in Order 3(b).

4. (a) Members desiring to vote shall thereupon proceed into their respective lobbies and pass out in single file by the wickets at which the division clerks sit to record their votes and shall see that their votes are correctly recorded.

(b) When all members desiring to vote have entered the division lobbies, or when in the opinion of the Speaker a

reasonable time has been given for members to enter the division lobbies, the Speaker will order the doors leading into the division lobbies to be closed, and the door giving access to the Chamber to be opened. No member shall thereafter enter the division lobbies.

(c) If any member by mistake enters the wrong division lobby and passes by the division clerk, his vote will be reckoned as given in that lobby.

(d) If any member having entered a division lobby to record his vote does not pass by the division clerk before the time when the division is declared to be closed, his vote will be reckoned as given in that lobby.

(e) A division is closed when all the members who desire to vote have entered the division lobbies or when the Speaker has declared the division to be closed.

(f) The Secretary will then have a count made of the Ayes and the Noes and will hand the result of the division to the Speaker who will declare the numbers and state the determination of the Assembly on the question proposed:

APPENDIX VIII.

Regulation regarding the form of petitions to the Assembly under rule 71(d) of the West Bengal Legislative Assembly Procedure Rules.

TO THE WEST BENGAL LEGISLATIVE
ASSEMBLY.

WHEREAS a Bill entitled a Bill (a)
.....
is now under the consideration of the
West Bengal Legislative Assembly the
humble petition of (b)
.....
sheweth (c)
.....
.....
.....

(a) Here insert title of Bill.

(b) Here insert name and designation or description of petitioner or petitioners in concise form e.g., "Ramzan Ali and others" or "the inhabitants of....." or "the municipality of.....", etc.

(c) Here insert concise statement of case.

SPEAKER'S REGULATIONS

and accordingly your petitioner (or petitioners) pray that (d).....and your petitioner(s) as in duty bound will ever pray.

Name of • petitioner.	Address. •	Signature or thumb impression.
	•	•

*“I present a petition signed by.....
.....petitioners, regarding the.....
.....Bill.

Countersignature of member presenting.”

(d) Here insert “that the Bill be or be not proceeded with,” or “that special provision be made in the Bill to meet case of your petitioner,” or any other appropriate prayer regarding the Bill.

*To be struck off when a petition is forwarded to the Secretary to the West Bengal Legislative Assembly.

APPENDIX IX.

Regulation regarding the manner of reporting the receipt of petition by the Secretary under rule 72 of the West Bengal Legislative Assembly Procedure Rules.

In exercise of the power conferred by rule 72 of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to determine the manner in which the Secretary shall report the receipt of a petition under rule 72.

SECRETARY OF THE WEST BENGAL
LEGISLATIVE ASSEMBLY—

Sir, under rule 72, I have to report that.....petition(s) as per statement laid on the table, has/have been received relating to the Bill..... which was published in the *Calcutta Gazette*/introduced in the West Bengal Legislative Assembly by,..... on the....., 19.....

Statement.

*Petition(s) relating to the Bill to.....
which was published in the
 Calcutta Gazette/introduced in the
 West Bengal Legislative Assembly
 on the....., 19.....*

Number of Signatories.	Town or village.	District.

APPENDIX X.

Regulations regarding the manner of holding special ballot for determination of procedure between resolutions to be taken out of turn under rule 84(2) of West Bengal Legislative Assembly Procedure Rules.

In exercise of the power conferred by rule 84(2) of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to direct the following procedure to be followed in determining the precedence of a resolution to be taken out of its turn on a day allotted for discussion of resolutions of private members

for which a ballot has already been held under sub-rule (2) of rule 21:—

1. No member shall be permitted to sign more than one written requisition referred to in sub-rule (1) of rule 84.

2. No member shall be allowed to withdraw his signature from the said requisition within 48 hours of the date fixed for the discussion of the particular resolution.

3. If a member signs more than one requisition without withdrawing his signature from his previous requisition within the time allowed, the requisition which was first signed by him shall be treated as valid and the subsequent requisitions shall be held to be out of order.

4. Where two or more written requisitions have been received in respect of any one day and all are valid in accordance with the provisions of sub-rule (1) of rule 84, the special ballot to determine which of the resolutions specified in such requisitions shall have precedence on that day shall be by drawing of lots in presence of the Secretary to the West Bengal Legislative Assembly.

APPENDIX XI.

Regulations regarding the forms of notices under rule 116(3) of West Bengal Legislative Assembly Procedure Rules.

In exercise of the power vested in him by sub-rule (3) of rule 116 of the West Bengal Legislative Assembly Procedure Rules, the Speaker is pleased to determine that notices of questions, resolutions, Bills and motions for reduction of grants required under the said rules shall be given in forms 1, 2, 3, 3A, 3B, 4 and 4A, as shown below:—

FORM 1—Question.

*West Bengal Legislative Assembly
Secretariat.*

(One form should be used for one
Question.)

(Left hand column.)

TO THE SECRETARY,
WEST BENGAL LEGISLATIVE
ASSEMBLY.

DEAR SIR,

I beg to give notice of the following
Question for the next/present session of
the Assembly commencing/continuing on
the....., 19.....

The Question may be treated as
Starred/Unstarred Question.

Yours truly,

*Member, West Bengal Legislative
Assembly.*

Dated.....19.....

Name of the member—

Question.

Will the Hon'ble Minister in charge
of the.....Department be
pleased to state:—

(Right hand column.)

(To be filled up in the Assembly
Secretariat.)

Name of the member—

Date of receipt—

Serial No.—

Question No.—

Agenda No.—

Copy to department concerned on—

Assembly Secretariat note—

The Question concerns the.....
.....Department and is
in time for the meeting of the Assembly
to be held on th?.....
19.....

FORM 2—Resolution.

*West Bengal Legislative Assembly
Secretariat.*

(One form should be used for one
Resolution.)

(Left hand column.)

TO THE SECRETARY,
WEST BENGAL LEGISLATIVE
ASSEMBLY.

DEAR SIR,

I beg to give notice of the following
Resolution for the next/present session
of the Assembly commencing/continuing
on the.....
19.....

The notice may be treated as
my first/second/third/fourth priority
Resolution.

Yours truly,

Member,

West Bengal Legislative Assembly.

Dated.....19....

Resolution.

Name of member—

This Assembly is of opinion that—

(Right hand column.)

(To be filled up in the Assembly
Secretariat.)

Name of the member—

Date of receipt—

Serial No.—

Priority No.—

Ballot No.—

Agenda No.—

Copy to department concerned on—

Assembly Secretariat note—

The Resolution concerns the.....
Department and is in time for the meet-
ing of the Assembly to be held on the
.....19.....

Note.—If a Resolution proposes a Committee with personnel, the member giving notice of such Resolution must, before the motion is moved, send the consent in writing of the gentlemen proposed, otherwise the motion will not be in order.

FORM 3—Bill.

*West Bengal Legislative Assembly
Secretariat.*

(One form should be used for one Bill.)
(Left hand column.)

Name of the member.....

Short title of the Bill.....

To THE SECRETARY,

WEST BENGAL LEGISLATIVE
ASSEMBLY.

DEAR SIR,

I beg to give notice of the annexed Bill for the next/present session of the Assembly commencing/continuing on.

19..... Copies of the Bill with full Statement of Objects and Reasons are forwarded herewith.

I claim first/second/third/fourth, etc., priority to this Bill (in case of private Bills only).

I shall move—

- (1) for leave to introduce the Bill,
- (2) that the Bill be referred to a Select Committee consisting of the members named on the reverse with instructions to

- submit their report by.....
19....and that
 the quorum of the Select Com-
 mittee be fixed at.....,
 (3) that the Bill be circulated for
 the purpose of eliciting opinion
 thereon by.....
19.....,
 (4) that the Bill be taken into con-
 sideration,
 (5) that the Bill, as settled in the
 Assembly, be passed.

Yours truly,

Member,

West Bengal Legislative Assembly.

Dated.....19....

(Right hand column.)

Personnel proposed.

(Reverse.)

(To be filled up in the Assembly
 Secretariat.)

Date of receipt—

Serial No.—

Agenda Serial—

Copy to Department concerned—

Assembly Secretariat note—

Note.—If any Select Committee is proposed member must, before the motion is moved, send the consent in writing of the members proposed, otherwise the motion will not be in order.

FORM 3A—Amendments to a Bill.

*West Bengal Legislative Assembly
Secretariat.*

(One form should be used for one amendment.)

Name of the member proposing amendment.....

Short title of the Bill to which amendment is proposed.....

To THE SECRETARY,

WEST BENGAL LEGISLATIVE
ASSEMBLY.

DEAR SIR,

I beg to give notice of the following amendment to the motion of Sj./Janab/**Mr.**.....that his abovementioned Bill will be.....
.....at the next/present session of the Assembly commencing/continuing on
.....on
.....19.....:—

(1) that the Bill be circulated for the purpose of eliciting opinion thereon by the.....
19.....;

(2). that the Bill be referred to a Select Committee consisting of the

members named on the reverse
with instructions to submit
their report by.....
19.....and that the quorum of
the Select Committee be fixed
at.....;

- (3) that the following names be
added to the personnel of the
Select Committee:—.....;
- (4) that the following names be
deleted from the personnel of
the Select Committee:—.....;
- (5) that in the proposed personnel of
the Select Committee for the
names.....
.....the following names be
substituted, namely:—

Yours truly,

Member,

West Bengal Legislative Assembly.

Dated.....19.....

Note.—If a Select Committee is proposed, member must, before the motion is moved, send the consent in writing of the members proposed, otherwise the motion will not be in order.

(To be filled up by the Assembly
Secretariat.)

Date of receipt—

Serial No.—

Agenda No.—

Copy to Department concerned—

Assembly Secretariat note—

(Reverse.)

Personnel proposed.

**FORM 3B—Amendments to clauses of a
Bill.**

*West Bengal Legislative Assembly
Secretariat.*

(One form should be used for one
amendment.)

Name of the member proposing amend-
ment.....

Short title of the Bill to which the
amendment is proposed.....

TO THE SECRETARY,
WEST BENGAL LEGISLATIVE
• ASSEMBLY. •

DEAR SIR,

I beg to give notice of the following
amendments to the provisions of the

abovementioned Bill of Sri/Janab/Mr.
which will be taken
 up for consideration at the next/present
 session of the Assembly:—

- (1) that clause.....be omitted;
- (2) that after clause.....the fol-
 lowing new clause/clauses 'be
 added/inserted':—.....;
- (3) that the following proviso be
 added to clause:—.....;
- (4) that in clause....., line.....,
 the word/words.....be
 omitted;
- (5) that in clause....., line.....,
 for the word/words.....
 the word/words.....
 be substituted;
- (6) that in clause....., in line.....,
 after the word/words.....
 the word/words.....
 be inserted.

Yours truly,

Member,
West Bengal Legislative Assembly.

Dated.....19.....

(To be filled up in the Assembly Secretariat.)

Name of the member—

Date of receipt—

Serial No.—

Agenda Serial— .

Copy to Department concerned—

Assembly Secretariat note—

FORM 4—Budget Cut Motions (Token Cut).

*West Bengal Legislative Assembly
Secretariat.*

(One form should be used for one
motion.)

(Left hand column.)

TO THE SECRETARY,
WEST BENGAL LEGISLATIVE
ASSEMBLY.

DEAR SIR,

I beg to give notice of the following
motion proposing reduction of budget

demands. I have indicated the reasons for which the cut is proposed.

Yours truly,

Member,

West Bengal Legislative Assembly.

Dated.....19....

Note.—Members wishing to discuss policy, to discuss grievances, to draw attention shall do so by means of a token cut and shall reduce the total demand in a grant by Rs. 100 as per form below :

Name of the member—

That the demand of Rs.....
under the head.....
be reduced by Rs. 100 (to raise a
discussion about.....
.....).

(Right hand column.)

(To be filled up in the Assembly
Secretariat.)

Date of receipt—

Serial No.—

Agenda, Serial—

Assembly Secretariat note—

**FORM 4A—Budget Cut Motions
(Economy Cut).**

*West Bengal Legislative Assembly
Secretariat.*

(One form should be used for one
motion.)

(Left hand column.)

TO THE SECRETARY,
WEST BENGAL LEGISLATIVE
ASSEMBLY.

DEAR SIR,

I beg to give notice of the following motion proposing reduction of budget demands. I have indicated the reasons for which the cut is proposed.

Yours truly,

Member,

West Bengal Legislative Assembly.

Dated.....19....

Note.—Members wishing to move an economy cut shall specify the sum for which economy is proposed as per form below.

Name of the member—

That the demand of Rs.....
under the head.....
be reduced by Rs.....(here
enter the amount for which economy is
being proposed.)

(Right hand column.)

(To be filled up in the Assembly
Secretariat.)

Date of receipt—

Serial No.—

Agenda Serial—

Assembly Secretariat note—

APPENDIX XII.

*Regulations regarding admission to the
Assembly Chamber of the West
Bengal Legislative Assembly under
rule 122 of the West Bengal Legis-
lative Assembly Procedure Rules.*

In exercise of the powers conferred by
rule 122 of the West Bengal Legislative
Assembly Procedure Rules and after
consultation with the Governor, Mr.
Speaker is pleased to make the following
orders regulating the admission to the

Assembly Chamber of visitors, representatives of the Press and officials during the sittings of the Assembly, namely:—

1. No person other than a member or officer of the Assembly shall be admitted to the floor of the Assembly Chamber or to those portions of the Assembly House reserved for members and officers of the Assembly.

Entry
into
Assembly
Chamber
prohibited.

2. All visitors, representatives of the Press and officials seeking admission to the galleries shall be in possession of tickets of admission signed by the authority granting them. These tickets are not transferable and shall entitle the holder to admission only if there is sitting accommodation.

Tickets of
admissions
necessary.

3. All visitors shall enter the galleries by the north-west staircase.

Visitors'
entrance.

4. A visitor holding a ticket issued upon application through a member must at the time of admission be accompanied and identified by the member through whom he has obtained his ticket. Visitors presenting themselves for admission

Visitors
to be
identified.

unaccompanied by the member introducing them will be asked to wait at the entrance to the visitors' gallery until the presence of the member can be secured.

**Tickets
to be
shown.**

5. Admission tickets must be shown by their holders on arrival to the sergeant on duty at the entrance and must be produced at any time on the request of an officer of the Assembly or a police officer on duty.

**Visitors'
book.**

6. All visitors shall enter in the visitors' book their names, the names of the members introducing them and the serial numbers of their tickets before proceeding to their seats.

**Surrender
of tickets.**

7. All visitors must surrender their tickets to the sergeant on duty at the entrance when leaving. Visitors intending to return during the continuance of the day's meeting will, on request, be supplied by the officer on duty with a pass in lieu of the surrendered ticket.

**Conduct of
visitors.**

8. (a) Visitors must maintain silence in the galleries and must remain seated.

(b) No sticks, umbrellas or parcels shall be allowed into the galleries or enclosures.

9. The Speaker reserves to himself the right of ordering any occupant of any gallery to leave the Assembly Chamber notwithstanding that he holds an admission ticket. Speaker's control.

10. The accommodation available for visitors is:— Accommodation for visitors.

(a) Galleries—

- (i) the General Gallery,
- (ii) the Special Galleries,
- (iii) the Speaker's Gallery,
- (iv) the Ladies' Gallery,
- (v) the Distinguished Visitors' Gallery, and

(b) Enclosures—

- (i) the Administrative Secretaries' Enclosure,
- (ii) the other Officials' Enclosure,
- (iii) the Press Enclosure,
- (iv) the two Distinguished Visitors' Enclosures,
- (v) the two Distinguished Visitors' Enclosures, and
- (vi) the Speaker's Enclosure.

**Method of
securing
admission.**

11. (a) Admission to the General Gallery and the Ladies' Gallery may be obtained on application through a member of the Assembly to the Secretary.

(b) Admission to the Distinguished Visitors' Enclosures and Gallery as well as to the Special Gallery may be obtained by members and *ex*-members of legislative bodies in India, holders of titles recognised by Government and officers and others in high position on reference to the Secretary. Any overflow from the Speaker's Gallery may also be admitted to any of these Enclosures or Galleries where accommodation may be available for the time being.

(c) Admission to the Speaker's Gallery and Enclosure may be obtained on reference to the Speaker.

(d) Admission to the Administrative Secretaries' and other Officials' Enclosures may be arranged on prior reference to the Secretary by the officer of the Government seeking admission.

**Form of
application
for
admission
ticket.**

12. (a) Applications for admission should reach the Secretary two clear days at least before the date on which admission is desired, i.e., if any ticket is

wanted for Thursday's meeting, it must reach the Secretary by Monday at the latest. Applications received subsequently will not be complied with.

(b) Applications shall be made on printed forms only, obtained from the Assembly Office, and shall specify the day on which admission is desired, and in the case of ladies whether accommodation is desired in the Ladies' Gallery or elsewhere.

(c) Applications shall also contain the signature of the member to the certificate on the form.

(d) All admission tickets granted on such applications will be sent to the member through whom the application is received.

(e) Tickets will be issued according to the priority of the receipt of the applications by the Secretary.

(f) Applications for tickets, if rejected, cannot be entertained for another date unless they are renewed again on fresh forms.

13. (a) Representatives of the Press will be admitted to the Press Enclosure on passes issued by the Secretary to the

Admission
of Press
represent-
atives.

Assembly, subject to the control of the Speaker. These passes are not transferable, are current only for the session, and shall be surrendered to the Secretary at the end of the session.

(b) Applications for Press passes should be made by the newspaper or organisation whom the reporter represents and shall contain the names of all representatives for whom passes are desired.

(c) Representatives of the Press shall have access only to the Press Enclosure and shall enter by the West Entrance and the corridor adjacent to the Enclosure.

APPENDIX XIII.

Regulations for the holding of election by means of the single transferable vote under rule 124(1) of the West Bengal Legislative Assembly Procedure Rules.

In exercise of the power conferred by rule 124(1) of the West Bengal Legislative Assembly Procedure Rules, Mr. Speaker is pleased to prescribe the

following procedure for the holding of election by means of the single transferable vote for the Committee of Privileges:—

(1) The Secretary to the West Bengal Legislative Assembly shall act as Returning Officer, and shall, subject to these regulations, do all things necessary for the conduct of the election.

(2) The election shall be held in Calcutta at such time and place as may be intimated by the Secretary to the Assembly by letter.

(3) When sending such intimation, the Secretary shall by registered letter or in such other manner as he may deem necessary invite each member to state by a date to be fixed by the Secretary, whether he desires to stand for election.

(4) The Secretary shall make a list of the names of all members who have, by the date so fixed, stated their desire to stand for election, and shall send a copy of such list to each member one week at least before the date of the election.

(5) On the day on which the election is held, the Secretary to the Assembly shall preside over the election.

(6) The Secretary and persons appointed by him as polling officers shall attend the meeting, and shall deliver to each member present a ballot paper containing the names of the candidates for election. Such ballot paper shall have printed thereon suitable instructions for the guidance of electors.

(7) The members shall then proceed to ballot for candidates by means of the single transferable vote, in accordance with the procedure contained in the regulations governing the procedure of election of members to the Committee on Public Accounts, so far as that procedure may be applicable.

Regulations governing the procedure of election of members to the Committee on Public Accounts.

1. In these Regulations, unless there is anything repugnant in the subject or context:— Definitions.

(1) the expression “continuing candidate” means any candidate not elected and not excluded from the poll;

(2) the expression “first preference” means the figure “1”; the expression “second preference” means the figure “2”; and the expression “third preference” means the figure “3”; set opposite the name of any candidate, and so on;

(3) the expression “transferable paper” means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate;

(4) the expression “non-transferable paper” means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to be a non-transferable paper in any case in which—

- (a) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or
- (b) the name of the candidate next in order of preference (whether continuing or not) is marked—
 - (i) by a figure not following consecutively after some other figure on the ballot paper; or
 - (ii) by two or more figures;
- (5) the expression “original vote” in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;
- (6) the expression “transferred vote” in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate;
- (7) the expression “surplus” means the number of votes by which the

total number of the votes, original and transferred, credited to any candidate, exceeds the quota as defined in sub-regulation (3) of Regulation 19.

2. (1) The Returning Officer for every election under these Regulations shall be the Secretary to the West Bengal Legislative Assembly for the time being and shall include persons appointed by the Returning Officer to perform all or any of the functions of the Returning Officer at any such election.

Returning
Officer
and his
sub-
stitutes.

(2) Reference to the Returning Officer in these Regulations or in relation to an election under these Regulations shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-regulation (1).

3. (1) Any person may be nominated as a candidate for election under these Regulations if he is a member of the West Bengal Legislative Assembly for the time being.

Nomina-
tion of
candi-
dates.

(2) Such election including a poll, if necessary, shall be held at a meeting of

the members of the said Assembly, which shall be specially convened for the purpose by the Returning Officer at a day, time and place to be fixed by him in this behalf by notice in writing issued by post to the said members at such addresses as shall have been for the time being registered in the office of the said Assembly.

(3) The Returning Officer shall fix—

- (a) a date on or before which nominations are to be made by the members of the West Bengal Legislative Assembly;
- (b) a further date, not later than the third day after the first mentioned date, for the scrutiny of of nominations;
- (c) a further date, not later than the day succeeding the date fixed for the scrutiny of nominations, on or before which candidatures may be withdrawn; and
- (d) a further date on which if a poll has been taken, votes shall be counted;

and the dates so fixed shall be communicated to the members.

(4) On or before the date fixed under clause (a) of sub-regulation (3), each candidate shall, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Returning Officer, or to such other person as may be appointed in this behalf under Regulation 2, a nomination paper completed in the form specified in Schedule I and subscribed by the candidate himself as assenting to the nomination and by two other members as proposer and seconder.

(5) Any person who is at the time a member of the West Bengal Legislative Assembly shall be qualified to subscribe as proposer and seconder, as many nomination papers as there are vacancies to be filled but no more.

(6) Any nomination paper which is not received before three o'clock in the afternoon on the date fixed under clause (a) of sub-regulation (3) shall be rejected.

(7) Any candidate may withdraw his candidature by notice in writing by the candidate before three o'clock in the afternoon on the date fixed under clause (c) of sub-regulation (3) and a

candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

**Scrutiny
of nomi-
nations.**

4. (1) On the date fixed for the scrutiny of nominations under clause (b) of sub-regulation (3) of Regulation 3, the Returning Officer shall proceed with the scrutiny and shall, after giving all reasonable facilities to the candidates to examine the nomination papers of all the candidates, decide all objections which may be made on each nomination and endorse on each nomination paper his decision accepting or rejecting the same recording briefly in the case of rejecting any of them his reasons for doing so.

(2) The Returning Officer may reject a nomination paper on any of the following grounds, namely:—

- (a) that the candidate, proposer and the seconder or any of them are not members of the West Bengal Legislative Assembly;
- (b) that the signatures of the candidate, proposer and seconder or any of them are not genuine or have been obtained by fraud; or

- (c) that the proposer and the seconder or any of them have subscribed to that nomination in excess of the vacancies to be filled by the election :

Provided those papers which have been received first up to the number of vacancies, shall be deemed valid.

(3) On the completion of scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn, the Returning Officer shall prepare a list of valid nominations and a copy thereof shall be sent to every member of the Assembly at least one week before the election is held.

5. (1) At the meeting convened under sub-regulation (2) of Regulation 3, if it is found that the number of candidates who are duly nominated and who have not withdrawn their candidatures is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected to fill those seats.

Procedure
at elec-
tion.

(2) If the number of such candidates is less than the number of seats to be

filled, the Returning Officer shall declare all such candidates to be elected to fill the seats, and call upon the members of the West Bengal Legislative Assembly to elect a person or persons, as the case may be, within such time as may be fixed by him :

Provided that where the members of the West Bengal Legislative Assembly having already been called upon under this sub-regulation, have failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, the Returning Officer shall not be bound to call again upon such members to elect a person or persons until such time, if any, as he thinks fit.

(3) If the number of such candidates exceeds that of the seats to be filled, a poll shall be taken.

(4) At an election where a poll is taken, votes shall be given by ballot and no votes shall be received by proxy.

Presiding
and Polling
Officers.

6. The Returning Officer shall preside over the election and also shall appoint such other persons (hereinafter referred to as Polling Officers) to assist him as he thinks necessary.

7. The Returning Officer shall provide at the place fixed for the poll materials sufficient for the purpose of enabling members to mark the ballot papers, and as many ballot boxes as may be necessary.

Articles to be provided at the place fixed for the poll.

8. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The Returning Officer, immediately before the commencement of the poll, shall show each ballot box to be used at the poll to such members as may be present at the place fixed for the poll so that they may see that it is empty, and he shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal and shall keep it so locked and sealed.

Ballot boxes to be locked up and sealed before commencement of poll.

9. The Returning Officer shall exclude from the place fixed for the poll all other persons except the polling officers and the members of the West Bengal Legislative Assembly.

Persons who may be present at the place for poll.

10. At the time fixed for the poll the Returning Officer with the help of the polling officers shall deliver to each member of the West Bengal Legislative

Delivery of ballot papers.

Assembly present a ballot paper which shall contain the names of the candidates arranged alphabetically and shall be in the form set out in Schedule II annexed to these Regulations.

Procedure
before
delivery
of ballot
papers.

11. Immediately before a ballot paper is delivered to a member a mark shall be placed in the division list of members against the name of the member to denote that he has received a ballot paper. No other mark or writing shall be put against the name in such list.

Supply of
duplicate
ballot
paper.

12. A member who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may on delivering it to the Returning Officer and satisfying him of the inadvertence obtain another ballot paper in place of the spoilt ballot paper.

Procedure
before
the
recording
of votes.

13. (1) After the Returning Officer has satisfied himself that ballot papers have been delivered to all the members present and after the expiry of such further time as the Returning Officer may, as a measure of grace, allow for delivery of such papers to any late

comers, the Returning Officer shall call on the members present to proceed to record their votes into the places provided therefor.

(2) No ballot paper shall be delivered to any member after the time allowed by the Returning Officer under sub-regulation (1).

(3) The Returning Officer may at any time explain to the members when so requested by them, the instructions contained on the ballot papers for the recording of votes.

14. Every member shall then proceed under the direction of the Returning Officer to a place screened from observation and shall record his vote in accordance with the instructions set out on the ballot paper. He shall then, before quitting such place, fold up his ballot paper so as to conceal his vote and shall proceed to the ballot box provided and put the ballot paper so folded up into the ballot box. Each member shall quit the place at which the ballot box is situated as soon as he has put his ballot paper into the box.

Recording
of votes.

Votes and
to be
exercised
by the
members.

15. (1) Every member shall have as many preferences as there are candidates to be elected, but no ballot paper shall be considered invalid solely on the ground that all such preferences are not marked.

(2) A member in giving his vote—

- (a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate whom he chooses for his first preference; and
- (b) may, in addition, place on his ballot paper the figure 2 or the figures 2 and 3, or 2, 3 and 4, and so on, in the spaces opposite the names of other candidates in the order of his preference.

Grounds
for
declaring
ballot
papers
invalid.

16. A ballot paper shall be invalid on which—

- (a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more candidates than one; or is so placed as to render it doubtful to which candidate it is intended to apply; or

- (c) the figure 1 and some other figure are set opposite the name of the same candidate; or
- (d) any mark is made by which the member may afterwards be identified.

17. After the Returning Officer is satisfied that each member present has had sufficient time to record his vote and to place the ballot paper in the allotted box, he shall declare the polling closed after which no ballot paper shall be placed in any ballot box, and shall proceed to count the votes.

Counting
of votes.

If the Returning Officer is unable to proceed with the counting of votes on the day of the poll, he shall postpone the counting to some other time and date and shall give notice thereof in such manner as he thinks fit to the members.

18. No person, except the Returning Officer, such persons as he may appoint to assist him in counting the votes and the members of the Assembly shall be allowed to be present at the counting of votes.

Persons
who may
be present
at the
counting
of votes.

Procedure
for the
counting
of votes
and
declaration
of candi-
dates
elected.

19. (1) The Returning Officer shall first open the ballot boxes, and, after scrutiny, separate the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection, and after rejecting any that are not valid, shall arrange the remainder in parcels according to the first preferences recorded for each candidate.

(2) The Returning Officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

(3) The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate (hereinafter called the "quota").

(4) If at any time the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

(5) (a) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this sub-regulation to the continuing candidates indicated on the ballot papers in the parcel of the elected candidate, as being next in order of the voters' preference.

(b)(i) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

(ii) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by the elected candidate

and shall arrange the transferable papers therein in further sub-parcels according to the next preferences recorded thereon.

(iii) In either case the Returning Officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(c) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the voters' next preference.

(d) (1) If the total number of transferable papers is greater than the surplus, the Returning Officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(ii) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by

the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(iii) If, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity and the remaining fractional parts shall be ignored.

If two or more fractional parts are of equal magnitude that fractional part shall be deemed to be the larger which arises from the larger sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

If the original votes are equal, the Returning Officer shall decide by lot in whose favour the vote shall be given, in such manner as he thinks fit.

(iv) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(v) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

(e) (i) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(ii) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the Returning Officer shall decide which surplus he will first deal with.

(iii) The Returning Officer need not transfer the surplus of an elected candidate when that surplus, together with any other surplus not transferred, does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

(6) (a) If at any time no candidate has a surplus (or when under the preceding sub-regulation any existing surplus need not be transferred) and one or more vacancies remain unfilled, the Returning Officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

(b) If the total of the votes of the two or more candidates lowest on the poll together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding sub-rule.

(c) If, when a candidate has to be excluded under this sub-rule, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number

of original votes credited to each of those candidates, and the candidates with the fewest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the numbers of votes credited to those candidates were equal at all transfers, the Returning Officer shall decide which shall be excluded.

(7) (a) Whenever any transfer is made under any of the preceding sub-regulations, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(b) If after any transfer a candidate has a surplus, that surplus shall be dealt

with in accordance with and subject to the provisions contained in sub-regulation (6) before any other candidate is excluded.

(8) (a) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(b) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(c) When the last vacancies can be filled under this sub-rule, no further transfer of votes need be made.

20. Any candidate may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise) request the Returning Officer to re-examine and to recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with),

Recount
of votes.

and the Returning Officer shall forthwith re-examine and recount the same accordingly. The Returning Officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once.

Declaration of result of election.

21. Upon the completion of the counting, the Returning Officer shall declare the names of the persons elected.

The Returning Officer shall also seal up in separate packets the counted and rejected ballot papers and record on each such packet a description of its contents and the date of the election.

Reporting of the result of the election.

22. The Returning Officer shall report the result of the election to the Secretary to the Government of West Bengal in the Finance Department.

Custody of papers relating to the election.

23. The papers relating to election including the packets of ballot papers shall be retained for a period of three years.

24. If any question arises as to the interpretation of these Regulations or Act or Rules, the question shall be referred for the decision of the Speaker and his decision shall be final.

25. Subject to the provisions of Regulation 24, all decisions given by the Returning Officer under the powers conferred on him by these Regulations shall be final.

SCHEDULE I.

[Regulation 3 (4).]

**Election to the Committee on Public
Accounts.***Nomination paper.*

Name of the candidate (in full).....

Name of the proposer (in full).....

Signature of the proposer.....

Name of the seconder (in full).....

Signature of the seconder.....

Declaration by candidate.

I hereby declare that I agree to this
nomination.

Date.....

Signature of the candidate.

SCHEDULE II.

(Regulation 10.)

**Election to the Committee on Public
Accounts.***Form of Ballot Paper.*

Names of candidates.	Mark order of preference in spaces below.

INSTRUCTIONS.

1. Vote by placing the figure 1 in the space opposite the name of the candidate whom you choose for your first

preference. Though there are more members than one to be elected only place the figure 1 opposite the name of one candidate.

2. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, i.e., 2, 3, 4, etc. In this way you may show as many preferences as there are members to be elected.

3. Do not place more than one figure opposite the name of any candidate.

4. Do not sign or initial the ballot paper.

**The Bengal Legislative Chambers
(Members' Emoluments) Act, 1937**

THE BENGAL LEGISLATIVE CHAMBERS (MEMBERS' EMOLUMENTS) ACT, 1937.

Bengal Act II of 1937

[Passed by the Bengal Legislature.]

[Published in the *Calcutta Gazette*,
Extraordinary, of the 5th October,
1937.]

An Act

*to fix the salaries and allowances of
members of the Bengal Legislative
Chambers.*

WHEREAS it is expedient to fix the salaries and allowances of the members of the Bengal Legislative Chambers;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Legislative Chambers (Members' Emoluments) Act, 1937. Short title and commencement.

(2) It shall be deemed to have come into force from the first day of April, 1937

Definition. **2.** In this Act and for the purposes thereof "Member" means a member either of the Bengal Legislative Council or of the Bengal Legislative Assembly, other than the Governor's Council of Ministers, the President of the said Council, the Speaker of the said Assembly, Parliamentary Secretaries, Parliamentary Under-Secretaries and Parliamentary Private Secretaries, if any.

Salaries. ***3.** There shall be paid to each member a salary at the rate of two hundred rupees per mensem with effect from the date on which he takes his oath:

Provided that the salary of any member in respect of any period prior to the first day of January, 1944, shall be paid at the rate of one hundred and fifty rupees per mensem.

**Allow-
ances.** **4.** Subject to such conditions as may be determined by rules made under this Act:—

(a) there shall be paid to members not ordinarily resident within

*This section was substituted by the Bengal Legislative Chamber; (Members' Emoluments) Amendment Act (Ben. Act I of 1945).

such distances, as may be prescribed by rules made under this Act, of the place at which their attendance is required in connection with their duties as members—

- * (i) daily allowance at the rate of fifteen rupees per diem :

Provided that in respect of any period prior to the commencement of the Bengal Legislative Chambers (Members' Emoluments) Amendment Act, 1945, daily allowance shall be paid at the rate of ten rupees per diem,

- (ii) travelling allowance for journeys by rail or steamer at the rate of one and a half times first class fare, and
- (iii) road mileage allowance at such rates as may be fixed by rules made under this Act; and
- (b) there shall be paid to all members conveyance allowance for

*This clause was substituted by the Bengal Legislative Chambers (Members' Emoluments) Amendment Act (Ben. Act I of 1945).

attending meetings at the rate of two rupees and eight annas per diem.

Power to
make
rules.

5. (1) The Provincial Government shall, as soon as may be, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules—

- (a) to prescribe the periods during which, and the conditions under which, daily allowance and conveyance allowance may be drawn, and the circumstances under which such allowances may be withheld;
- (b) to fix the rates of road mileage allowance, and to prescribe the conditions under which such allowance may be drawn; and
- (c) to prescribe the distances referred to in section 4 in respect of each of the allowances referred to in the said section.

(3) All rules made under this section shall be published in the *Official Gazette*.

**Bengal Legislative Chambers
(Members' Allowances) Rules**

Bengal Legislative Chambers (Members' Allowances) Rules, 1937.

[As published in the "Calcutta Gazette, Extraordinary," October 5, 1937, page 242.]

1. (i) These Rules may be called the Bengal Legislative Chambers (Members' Allowances) Rules, 1937.

(ii) They shall be deemed to have come into force on the 1st April, 1937:

Provided that they shall not entitle any member to further payment of mileage or daily allowance in respect of any journey or halt for which he has received payment under Subsidiary Rule 99.

2. In these rules—

(1) "Act" means the Bengal Legislative Chambers (Members' Emoluments) Act, 1937.

(2) "Chamber" means the Bengal Legislative Council or the Bengal Legislative Assembly as the context may require.

(3) "Member" means a member as defined in the Act, namely, a member either of the Bengal Legislative Council or of the Bengal Legislative Assembly,

other than the Governor's Council of Ministers, the President of the said Council, the Speaker of the said Assembly, Parliamentary Secretaries, Parliamentary Under-Secretaries and Parliamentary Private Secretaries, if any.

(4) "Session" means the whole period of a legislative session from the time when the Chamber is assembled to the time when it is prorogued.

(5) "Meeting" means the meeting of the Chamber or of a Committee of the Chamber during the session or out of the session, or a meeting to which a member is summoned out of the session for the transaction of business connected with his duties as a member of the Chamber.

*(6) "Usual place of residence" means the place where a member generally resides for at least six months in the year provided that in the case of a member who held parliamentary office, his usual place of residence after he has demitted his office, shall, unless otherwise declared by him, be the place

where he resided for six months in the year before he accepted office.

(7) "House" means the building in which the meeting is held.

(8) "Mufassal member" means a member whose usual place of residence is outside a radius of 25 miles from the House.

(9) "Mileage allowance" means—

- (i) in the case of journeys by rail or steamer, an allowance at the rate prescribed in the Act, namely, at the rate of one and a half times first class fare;
- (ii) in the case of journeys by road—
 - (a) for journeys not exceeding 30 miles, an allowance at the rate of annas six per mile if the journey is performed by motor vehicles, and annas eight per mile if the journey is performed otherwise;
 - (b) for journeys exceeding 30 miles, an allowance at the above rates for the first 30 miles and at half the above rates for the excess over 30 miles.

Note.—Where mileage allowance is claimed at the rate of

annas eight per mile, the member drawing the bill shall certify that no part of the journey in question was performed by motor vehicles.

(10) "Conveyance allowance" means a conveyance allowance at the rate prescribed by the Act, namely, at the rate of Rs. 2-8 per diem.

(11) "Day" means a calendar day beginning and ending at midnight.

3. A member may draw conveyance allowance for any day on which he attends a meeting.

4. No member may draw mileage allowance and daily allowance for the same day

5. No member who arrives at and leaves the place of meeting on the same day may draw daily allowance for that day.

6. No member may draw daily allowance for any day after—

- (a) the close of the session;
- (b) the completion of the business for which a member is summoned out of session.

7. No member whose usual place of residence is within a radius of 5 miles from the House and no member who ordinarily carries on his professional business within a radius of 5 miles from the House may draw mileage allowance or daily allowance for attending the meeting.

8. No member whose usual place of residence is within a radius of 25 miles from the House and no member who ordinarily carries on his professional business within a radius of 25 miles from the House may draw daily allowance.

9. Subject to rules 4 to 8, a member who has to leave his usual place of residence or the place where he ordinarily carries on his professional business for the purpose of attending meetings or transacting business connected with his duties as a member of Chamber may draw mileage allowance and daily allowance.

Note.—Mileage allowance to a member will be paid to and from his usual place of residence, if within the province, or to and from the headquarters of his constituency if his usual place of residence is outside the province.

10. Notwithstanding anything contained in rule 12, if a member attends the first meeting of its session of the Chamber and stays throughout the session, he may draw daily allowance for the whole session :

Provided that he has attended all meetings of the Chamber during the session or, in the case of absence from any meeting, has explained such absence to the satisfaction of the President or the Speaker, as the case may be :

Provided further that where daily allowance is drawn under the authorisation of the President or the Speaker, as the case may be, for days of absence, the allowance shall be drawn at the following rates :—

- (a) For the first six days of absence in a session, at full rates;
- (b) For a further twelve days of absence in a session, at half rates;
- (c) For days of absence in excess of eighteen in a session, no allowance.

10A. A mufassal member who is prevented from attending any meeting

of the Chamber may draw daily allowance for the day or days of his absence if—

- (1) he stayed at the place of the meeting on each day of such absence, and
- (2) he has explained such absence to the satisfaction of the President or the Speaker, as the case may be :

Provided that when daily allowance is drawn under this rule, the allowance shall be drawn at the rates specified in clauses (a), (b) and (c) of the second proviso to rule 10.*

11. If a member does not arrive or leave on the day of the meeting, he will be considered to arrive on the day before the meeting and to leave the day after the meeting even if, as a matter of fact, he arrives some days before or leaves some days after. He will, therefore, be entitled to mileage allowance for the day before and the day after the meeting, and to daily allowance for the day of

**Vide* Government of Bengal, Finance Department, notification No. 302F., dated the 5th February, 1940.

the meeting only, and not for any other days during which he may reside in the place where the Chamber or Committee is sitting, before or after the meeting.

12. (a) In the case of adjournments or intervals between meetings of seven days or less a mufassal member who stays at the place of meeting for the intervening period may draw daily allowance for that period. A mufassal member who returns to his usual place of residence may draw mileage allowance, but the amount drawn shall in no case exceed the amount which would have been admissible if he had elected to stay at the meeting place, and drawn daily allowance.

(b) In the case of adjournments or intervals between meetings of more than seven days a mufassal member may return to his usual place of residence in the intervening period and may draw mileage allowance. If he stays at the place of meeting he may draw daily allowance but the amount drawn shall not exceed the amount which he would have drawn as mileage allowance had he returned to his usual place of residence.

13. Where a meeting lasts over the week-end, mileage allowance is not admissible to a member who leaves the place of meeting during the week-end, but he may draw daily allowance for the week-end provided he is present at the opening meeting after the week-end; otherwise he may draw daily allowance only for the days on which he actually attended meetings.

14. In the case of protracted sittings of three weeks' duration or over, a mufassal member may return to his usual place of residence once during that period, and may draw mileage allowance. But any member who stays away from the place of meeting for such a length of time as necessitates his being absent for more than six consecutive meetings shall forfeit his right to this concession.

[*Vide* Government of Bengal, Finance Department, notification No. 1692F., dated the 7th July, 1941.]

15. (a) For the purpose of calculating mileage allowance, a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of

such routes as may be equally short: Provided that when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance should be calculated on the route actually used.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling.

(c) If a member travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

Note.—When a member travels by a route which is not the direct or the cheapest route, it is necessary that he should show in the travelling allowance bill the details of the journey and the various stages by which it was made.

16. In calculating mileage allowance for journeys by road, fractions of a mile shall be omitted from the total of a

bill for any one journey but not from the various items which make up the bill.

[*Vide* Government of Bengal, Finance Department, notification No. 10560F., dated the 29th October, 1939.]

17. Claims of members to arrears of salary and allowances which have been allowed to remain in abeyance for a period exceeding one year shall be paid after investigation by the Principal Auditor under the special orders of the Provincial Government which shall have the right to withhold any such claim unless it is accompanied by an adequate explanation for the delay. The period of one year shall be calculated from the date on which the salary or allowance becomes payable.

[Rule 16 issued with the Government of Bengal, Finance Department, notification No. 329F., dated the 15th February, 1939, shall be renumbered as rule 17. *Vide* Government of Bengal, Finance Department, notification No. 466F., dated the 14th March, 1939.]

**The Indian Elections Offences and
Inquiries Act, 1920**

THE INDIAN ELECTIONS OFFENCES AND IN- QUIRIES ACT, 1920.

Act No. XXXIX of 1920

[14th September, 1920.]

An Act to provide for the punishment of malpractices in connection with elections, and to make further provisions for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under the Government of India Act [or the Government of India Act, 1935] or the Constitution.

WHEREAS it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to legislative bodies constituted under

the Government of India Act
[or the Government of India
Act, 1935];

26 Geo. 5
c. 2.

It is hereby enacted as
follows:—

PRELIMINARY.

Short title
and extent.

1. (1) This Act may be
called the Indian Elections
Offences and Inquiries Act,
1920; and

(2) It extends to the whole
of British India.

PART I.

*Amendment of the Indian
Penal Code and Code of
Criminal Procedure.*

[Rep. by the Repealing Act,
1938 (I of 1938), s. 2 and
Sch.]

*

PART II.

Election Inquiries and other Matters.

4. In this part, unless Definition.
there is anything repugnant
in the subject or context,—

- (a) “costs” means all costs, charges and expenses of, or incidental to, an inquiry;
- (b) “election” means an election to a Chamber of any Legislature or Legislative Council constituted under the Government of India Act or the Government of India Act, 1935 or to a House of Parliament or of a State Legislature under the Constitution;
- (c) “inquiry” means an inquiry in respect of an election by Commissioners appointed

for that purpose by the Governor General or Governor or by an election tribunal appointed by the Election Commission under the Constitution;

(d) "pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate, a vakil, and an attorney of a High Court; 26 Geo. 5.
c. 2.

(e) Commissioner includes an election tribunal appointed by the Election Commission under the Constitution.

**Powers of
Commissioners.**

5. Commissioners appointed to hold an inquiry shall have the powers which are vested in a Court under the

V of 1908. Code of Civil Procedure, 1908,
when trying a suit in respect
of the following matters:—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
- (c) compelling the production of documents.
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to them to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

V of 1898.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commissioners' jurisdiction shall be the limits of the Province in which the election was held.

Applica-
tion of
Act I of
1872 to
inquiries.

6. The provisions of the I of 1872. Indian Evidence Act, 1872, shall, subject to the provisions of this Act, be deemed to apply in all respects to an inquiry.

Documen-
tary
evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation
of witness
to answer
any certi-
ficate of
indemnity.

8. (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him; or that it will expose, or tend, directly or

indirectly, to expose him to a penalty or forfeiture of any kind :

Provided that—

- (i) no person who has voted at an election shall be required to state for whom he has voted; and
- (ii) a witness who, in the opinion of the Commissioners, has answered truly all questions which he has been required by them to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IXA of the Indian Penal Code arising out of

the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

(2) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

Appearance by pleader.

9. Any appearance, application or act before the Commissioners may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Commissioners so direct, be made by the party in person.

Expenses of witnesses.

10. The reasonable expenses incurred by any person in attending to give evidence

may be allowed by the Commissioners to such person, and shall, unless the Commissioners otherwise direct, be deemed to be part of the costs.

11. (1) Costs shall be in the discretion of the Commissioners, and the Commissioners shall have full power to determine by and to whom and to what extent such costs are to be paid and to include in their report all necessary recommendations for the purposes aforesaid. The Commissioners may allow interest on costs at a rate not exceeding six per cent. per annum, and such interest shall be added to the costs.

Costs and
pleaders'
fees, etc.

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioners may allow.

12. Any order made by the Central Government or State Government *, * * on the report of the Commissioners

Execution
or orders
as to costs.

regarding the costs of the inquiry may be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, or, where such place is within the local limits of the ordinary original civil jurisdiction of a chartered High Court, before the Court of Small Causes having jurisdiction there, and such Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

**Disqualifi-
cation of
persons
found
guilty of
election
offences.**

13. Any person who has been convicted of an offence under section 171E or 171F of the Indian Penal Code or has been disqualified from exercising any electoral right, for a period of not less than five

**XLV of
1860.**

years, on account of malpractices in connection with an election shall be disqualified for five years from the date of such conviction or disqualification from—

- (a) being appointed to, or acting in, any judicial office;
- (b) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached;
- (c) being elected or sitting or voting as a member of any local authority; or
- (d) being appointed or acting as a trustee of a public trust.

14. (1) Every officer, clerk, agent or other person who performs any duties in

Maintenance of secrecy of voting.

connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person "who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

**The Bengal Legislature (Removal of
Disqualifications) Act, 1937**

**THE BENGAL LEGISLA-
TURE (REMOVAL OF
DISQUALIFICATIONS)
ACT, 1937.**

Bengal Act III of 1937

*[Passed by the Bengal
Legislature.]*

[Published in the *Calcutta Gazette, Extraordinary*, of the 5th October, 1937.]

An Act to declare that the holders of certain offices of profit under the Crown in India shall not be disqualified for membership of the Bengal Legislature.

WHEREAS it is expedient to declare in accordance with the provisions contained in clause (a) of sub-section (1) of section 69 of the Government of India Act, 1935, that the holders of certain offices of profit under the Crown in India shall not be disqualified for being chosen as, and for being, members of the Bengal Legislative Assembly or the Bengal Legislative Council;

26 Geo.
V, c. 2.

It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Bengal Legislature (Removal of Disqualifications) Act, 1937.

Removal
of certain
disquali-
fications
for
member-
ship.

2. A person shall not be disqualified for being chosen as, and for being, a member of the Bengal Legislative Assembly or the Bengal Legislative Council by reason only of the fact that he holds any of the following offices of profit under the Crown in India, namely :—

(a) an office of a Parliamentary Secretary or a Parliamentary Under-Secretary, if and when such office is created ;

(b) an office, which is not a whole time office remunerated either by salary or by fees ;

- (c) an office in a railway service, provided that the holder thereof is a person defined to be qualified for inclusion in the electoral roll for a trade union, factory or colliery constituency in accordance with the provisions of any Order or rule for the time being in force.

